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BOARD MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
CENTRAL VALLEY AUDITORIUM  
SACRAMENTO, CALIFORNIA

TUESDAY, MAY 11, 2004

9:30 A.M.

TIFFANY C. KRAFT, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

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Michael Paparian

Cheryl Peace

Carl Washington

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Elliot Block, Legal Office

Marie Carter, Chief Counsel

Bonnie Cornwall, Supervisor

Mark de Bie, Branch Manager, Permitting and Inspection

Mitch Delmage, Supervisor, Waste Tire Diversion

Linda Dickenson, Staff

Don Dier, Waste Tire Management Manager

Sally French, Staff

Nate Gauff, Staff

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Dana Papke, Staff

Stacey Patenaude, Staff

Pat Schiavo, Deputy Director

Joanne Vorhies, Acting Assistant Director, Office of  
Education and the Environment

Sharon Waddell, Board Secretary

ALSO PRESENT

Malinda Barrit

Henry Hodges, Jr., President, NATC

Mark Korte, Tri C Tire Recycling

Jorge Goitia, Alameda County LEA

Terry Leveille, TL & Associates

Roel Meriano, Alameda County LEA

Earnest Moore, Eco Terra Global Limited

Jaine Nairn, Golden ByProducts

Brian Ricky, Southern California RACTC

Theran Roshin, Northern California RACTC

Gladys Samora-Cota

Nadia Samora

Muluneh Sime, NATC

Mee Ling Tung, Alameda County Environmental Health  
Department

Phil Wyels, CalEPA Child Care Center

William Prinz, City of San Diego LEA

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1 PROCEEDINGS

2 CHAIRPERSON MOULTON-PATTERSON: Good morning and  
3 welcome to the May meeting of the California Integrated  
4 Waste Management Board.

5 Would the secretary please call the roll.

6 SECRETARY WADDELL: Paparian?

7 BOARD MEMBER PAPARIAN: Here.

8 SECRETARY WADDELL: Peace?

9 BOARD MEMBER PEACE: Here.

10 SECRETARY WADDELL: Washington?

11 BOARD MEMBER WASHINGTON: Here.

12 SECRETARY WADDELL: Moulton-Patterson?

13 CHAIRPERSON MOULTON-PATTERSON: Here.

14 At this time I'd like everyone to turn off their  
15 cell phones and pagers. Also, we have copies of the  
16 agenda items on the back table. We also have speaker  
17 slips. If you'd like to speak to us on an item, please  
18 fill it out and put the item number, and Ms. Waddell right  
19 over here will be happy to let us know that you wish to  
20 speak.

21 Ex partes, Ms. Peace.

22 BOARD MEMBER PEACE: I'm up to date.

23 CHAIRPERSON MOULTON-PATTERSON: I'm also up to  
24 date.

25 Mr. Paparian.

1 BOARD MEMBER PAPARIAN: Thank you.

2 I talked to George Larson about the agenda item  
3 related to the RD&D rule. And said hello to John Anerns  
4 and to John Cupps.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.  
6 Mr. Washington.

7 BOARD MEMBER WASHINGTON: I'm up to date.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.

9 Ms. Peace, did you have a report today?

10 BOARD MEMBER PEACE: Yes. Since the last Board  
11 meeting, I've been meeting with tire haulers, our tire  
12 enforcement staff, as well as local enforcement people  
13 regarding the tire manifest -- waste tire manifest system,  
14 and I think I've gotten enough information to put it all  
15 in perspective.

16 Because of all the paperwork involved, the joke  
17 on the street is "track a tire, kill a tree." I know  
18 people who designed the manifest system meant well, but  
19 it's just too burdensome, not only for the businesses  
20 involved, but also the Board. So I met with Senator  
21 Escutia last week, and she is very supportive of making  
22 any changes to the manifest legislation that will make it  
23 work more economically and efficiently.

24 I'm very pleased to hear that our tire staff is  
25 already looking at ways to improve and simplify the



1 system. I made a commitment to staff that we look at ways  
2 to streamline business around here by eliminating  
3 inefficient and useless paperwork. And to me, this was a  
4 very obvious place to start.

5 I attended three divisional all-staff meetings.  
6 And it was heartening because I saw staff had frustrations  
7 about many of the same things that I do. Thanks to all of  
8 you who were there and were so candid. Thank you for  
9 sharing your ideas and suggestions with Mike and I. Even  
10 if you spoke out in your all-staff meetings, please  
11 consider putting your ideas into the suggestion box. That  
12 should be up and running, from what I understand, by this  
13 afternoon. I just want to remind you all that my door is  
14 always open to come see me if there's anything that  
15 concerns you that you want to discuss.

16 Also, later this morning, I believe probably  
17 around 10:30, we are going to have a presentation by  
18 Generation Earth on the waste reduction and recycling  
19 efforts at high schools and middle schools in Southern  
20 California. I didn't even know about Generation Earth  
21 until I met with Jeff Hoency through our Environmental  
22 Education Program and AB 1548. What I heard about what  
23 the group does to help young people further the  
24 environmental ethic made me want to share their efforts  
25 with the rest of the Board. This goes to show what a

1 group of committed people can bring to the world when they  
2 set their minds to it. I think we'll hear from them at  
3 about 10:30.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.  
5 Peace.

6 Mr. Paparian.

7 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

8 April 22nd was Earth Day. And at one of the  
9 Earth Day booths downstairs Andrew Hurst of our staff, our  
10 ever enthusiastic Recycling Coordinator, was manning the  
11 EMS booth. He had an interesting display about energy use  
12 where they actually put in little meters behind computers,  
13 kind of old energy inefficient computers, new energy  
14 efficient computers. And what was interesting there was  
15 that those little screen savers all of us love on our  
16 computers, he demonstrated that they take the full energy  
17 of the computer as if it was on -- because it is on. You  
18 have the screen saver going, even if you have a little  
19 ball bouncing around the screen on the screen saver. And  
20 basically by letting it go into a sleep mode, we can save  
21 about half our energy use in our computers when we're not  
22 using them. I think that's something we may want to let  
23 our staff know a little bit more about and remind folks  
24 about ways to saving energy in the building. But once  
25 again, Andrew has come through with one idea and

1 suggestion that I think will have important impact in  
2 terms of our environmental impact in this building.

3           Together with Ms. Peace, we met with the DLPA,  
4 the Markets Division, and the P&E staff. They kicked  
5 around a lot of ideas. We had some really, really  
6 interesting ideas. I know staff is preparing some  
7 summaries, and I'm sure at a future meeting we'll have a  
8 chance to delve into this some more. We're going to be  
9 meeting with the Special Waste Division, I think, on May  
10 18th, too. I don't really want to go now into much  
11 discussion of what we found, but there were a lot of very  
12 interesting things, very eye-opening things for me, even  
13 some seemingly simple suggestions.

14           There's a lot of paper that we still require to  
15 be used in the way we do business. We heard that, for  
16 example, Caltrans does their time sheets electronically,  
17 yet we at the Board are still doing them on paper.

18           We heard from DPLA that there's actually a legal  
19 requirement that some of the information that they get --  
20 reams of information they get about the disposal reporting  
21 system comes in on paper.

22           And we heard from P&E some similar issues where  
23 enforcement reports come in on paper and then have to be  
24 retranscribed into our computer system. So there's things  
25 we can do to both lead by example and reduce our impacts.

1           We also heard substantively on some of the  
2 programs. One of the consistent themes that I heard was  
3 the real interest in pursuing product stewardship and  
4 really trying to get manufacturers to step up to the plate  
5 more. And I'm sure we'll be hearing more about that in  
6 the coming months. But anyway, I'm sure we'll get back to  
7 this when we finish our sessions with all the staff and  
8 have a chance to digest some of the information.

9           I'm also working on a couple of other projects  
10 with CalEPA, and one of them has to do with leading by  
11 example throughout state government and state agencies on  
12 environmental matters. And another more immediate one has  
13 to do with reducing gasoline use by state agencies. We'll  
14 be hearing more about that in coming weeks. But I've been  
15 working a little bit with some of the tire staff and with  
16 John Myers of the Public Affairs Office to see what we can  
17 do to promote an efficient tire message as part of a way  
18 to encourage state agencies to reduce gasoline use.

19           So like I say, probably in the next couple weeks  
20 we'll hear a bit more about that effort.

21           CHAIRPERSON MOULTON-PATTERSON: Thank you  
22 Mr. Paparian.

23           Mr. Washington.

24           BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

25           Just a couple of things I wanted to announce. I

1 had the chance to visit the Gregory Canyon Landfill, and I  
2 had a chance to meet with the Pala Indians and get a tour  
3 of the Gregory Canyon Landfill. I believe this is going  
4 to be a very interesting discussion once this -- if it  
5 ever gets to this Board as it relates to this specific  
6 site.

7 As well as I had a chance to visit for the first  
8 time the El Sobrante Landfill in Corona, California. And  
9 to my surprise, when our new Board members met me there  
10 when I walked through the door, Rosalie was there. And I  
11 was excited to see her and to have a chance to talk with  
12 her while we were out at El Sobrante.

13 I also participated, Madam Chair, in one of the  
14 RMDZ loan programs with a recipient called Ability Counts.  
15 I think you will find it very interesting. Ability Counts  
16 is a program where they help disabled kids, young people,  
17 adults. And everyone that works for them is mentally  
18 disabled. And I spent almost four hours there. Just  
19 excited to see these young people and folks that were  
20 working receiving a paycheck. And they were excited the  
21 Board had committed this loan money to them to help them  
22 with their program. I was just overwhelmed with the type  
23 of program that they were running. I was very excited to  
24 be there on behalf of our Board to represent our Board at  
25 this very outstanding, outstanding corporation called

1 Ability Counts. And again, they do a fabulous job with  
2 the type of working force they have. And it was exciting  
3 just to be there to help someone who really deserves that  
4 loan. Thank you.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
6 Washington.

7 I attended -- well, I participated in the  
8 Environmental Policy Council which met with for the second  
9 time that the CalEPA Secretary convenes. And each  
10 department head of the CalEPA boards and departments  
11 participated.

12 I also taught a lesson on recycling at one of our  
13 local schools on Earth Day. And just as Mr. Washington  
14 and Ms. Peace says, it is reaffirming to see the kids are  
15 so excited about this and passing on the environmental  
16 ethic to their parents.

17 I also, good news, testified before the Budget  
18 Senate and Budget Assembly Committee, and our budgets were  
19 passed. And, in fact, the Committees were very  
20 complimentary about the work that we're doing. So that  
21 was nice.

22 And then lastly -- and I'm sure everyone in the  
23 room knows -- we've had two new Board members appointed.  
24 We're really excited about having a full Board. I had the  
25 pleasure of swearing in Rosario Marin, who is our new

1 public member, Mayor of Huntington Park and former U.S.  
2 Treasurer. And I was able to swear her in down in our  
3 Long Beach office. Unfortunately, she had committed long  
4 ago to give a major address in Mexico City on the Special  
5 Olympics. So that's why she's not here today.

6 I've talked with, haven't met yet, Rosalie Mule  
7 But a number of my colleagues and Mr. Leary have met her.  
8 She's the new industry rep. Sounds like a wonderful  
9 person. Really a great fresh new start. And I'm really  
10 excited that she will be -- she's going to be sworn in on  
11 the 17th, Mr. Leary. And I wanted to mention to all of  
12 our staff and our stakeholders that we will be having a  
13 reception at our June -- the first day of our June Board  
14 meeting and have a little cake and punch to welcome our  
15 newest members. So we're really looking forward to having  
16 a full Board.

17 And, you know, as a female, I don't want to gloat  
18 too much that we're going to have a female majority. I  
19 was the minority when I first came. But anyway, it is  
20 exciting to have two new members. And I think all six of  
21 us will work very well together with them.

22 So thank you.

23 Mr. Leary.

24 EXECUTIVE DIRECTOR LEARY: Good morning, Madam  
25 Chair.

1           I have a number of important items to report to  
2 the Board and our stakeholders, In addition to Peja was  
3 fowled on that last shot.

4           In regards to the required regulatory permit  
5 waivers in Southern California, still related to the fires  
6 from last year, cleanup and reconstruction activities in  
7 three Southern California counties, Los Angeles, San  
8 Bernardino, and San Diego in the aftermath of the October  
9 2003 wild fires continues at a slow pace.

10           Operators of solid waste facilities in these  
11 three counties have requested, and their LEAs have  
12 granted, extensions to existing emergency waivers of  
13 permit terms and conditions. In L.A. County, the LEA has  
14 granted a 120-day extension to the County Sanitation  
15 Districts of Los Angeles, operators of Puente Hills  
16 Landfill. Apparently, the site never did receive any  
17 debris under the original waiver due to a disagreement  
18 between the county and FEMA, the Federal Emergency  
19 Management Agency. This has now been resolved, and the  
20 waiver which will be in the effect until the end of July  
21 will permit receipt of an additional 500 tons of waste per  
22 day, not to exceed the 1800 tons per week.

23           In San Bernardino County, the LEA has granted an  
24 additional 120-day extension to the Heaps Peak Transfer  
25 Station emergency waiver until July 14th to permit Sunday



1 operations and to exceed daily tonnage and vehicle limits.

2 For the San Timoteo Landfill, the LEA has granted  
3 120-day emergency waiver until July 3rd to permit Sunday  
4 operations and to exceed daily tonnage limits.

5 In San Diego County, the LEA granted a 90-day  
6 extension of the Burrego Springs Landfill emergency waiver  
7 until May 25th to exceed daily tonnage limits and the  
8 90-day extension to the Ramona Transfer and Material  
9 Recovery Facility emergency waiver until May 20th for the  
10 addition of Sunday operations and to exceed daily tonnage  
11 limit.

12 On a more upsetting incident, some of our locals  
13 may have read in the paper this weekend there was an  
14 incident of death at the Florin-Perkins Landfill. We  
15 sometimes tend to forget our operations are industrial  
16 activities in nature, and we are going to follow up on  
17 this incident and report back to the Board the details  
18 about that.

19 I want to give an update on the inert debris site  
20 in Huntington Park, the former Aggregate Recycling Systems  
21 site also know La Montana. I reported to you in January  
22 my cautious optimism that the site would finally be  
23 cleaned up by the property owner earlier this year.  
24 Unfortunately, it's unlikely now the property owner will  
25 make this happen.

1           Inspections conducted by the Board and LEA staff  
2 in March confirmed that the owner failed to meet the LEA  
3 March 8th deadline to complete the processing of remaining  
4 on-site material and that not very much of the processed  
5 material has moved from the site since January. The owner  
6 claims the lack of progress is due to a seasonal slow down  
7 in road construction projects.

8           Because of the owner's failure to comply, the LEA  
9 is prepared a draft notice and order that has been  
10 reviewed by the staff in which we anticipate -- has been  
11 issued on April 20th or sometime thereabouts.

12           Enforcement aspects in this case are complicated,  
13 but they're being developed to provide a good and final  
14 incentive for the owner to clean up the site and at the  
15 same time to set the stage for the Board to step in and  
16 clean up the site quickly if the owner is either unable or  
17 unwilling to do so. I've directed our Permitting and  
18 Enforcement Division to bring an agenda item to the Board  
19 in July to provide the Board with those options for site  
20 clean up.

21           On April 20th of this year, the Board --

22           BOARD MEMBER WASHINGTON: I'm sorry, Mark. On  
23 the Huntington Park, why not June? Why do you want to  
24 have it ready by June?

25           EXECUTIVE DIRECTOR LEARY: I'll defer to Howard

1 on that one.

2 DEPUTY DIRECTOR LEVENSON: Howard Levenson with  
3 the Permitting and Enforcement Division.

4 We are going to try to have an agenda item in  
5 June, if possible. Once thing just to be aware of is that  
6 the enforcement order the LEA has now issued doesn't --  
7 the compliance date is June 20th. So if we bring an item  
8 to the Board, we still wouldn't be able to get access to  
9 the site and even begin engineering designs until sometime  
10 in late July or August. So it is going to be a lengthy  
11 process to clean it up. But we're going to try to  
12 expedite that and get it as soon as we can.

13 BOARD MEMBER WASHINGTON: Okay.

14 EXECUTIVE DIRECTOR LEARY: On April 20th of this  
15 year, the Board's Recycling Business and Assistance Branch  
16 was presented with the 2004 Environmental Achievement  
17 Award from U.S. EPA's Region 9 to honor the success of the  
18 1998 Jobs Through Recycling grant project. The awards  
19 ceremony, held at the Region 9 headquarters in  
20 San Francisco, honored groups and individuals who in EPA's  
21 words, "reached out across non-traditional lines to build  
22 collaborative successes towards improving the  
23 environment." Senator Dianne Feinstein also sent a letter  
24 of commendation.

25 The goal of the grant project was to demonstrate

1 the environmental and economic benefits of establishing  
2 regional markets for locally generated waste. The project  
3 team, which also involved partners such as U.S. EPA, the  
4 California Technology, Trade, and Commerce Agency, Alameda  
5 Waste Management Authority, and Waste Management,  
6 Incorporated, Alameda County, brought together economic  
7 development and recycling communities in Alameda County to  
8 establish regional markets for recovered recyclable  
9 materials.

10 The project exceeded its goals with the following  
11 achievements. It diverted more than 140,000 tons per year  
12 of recyclable material from landfills; created more than  
13 100 jobs; assisted with the starting and expanding of nine  
14 business; resulted in more than \$10 million in capital  
15 outlay.

16 Each year the U.S. EPA recognizes outstanding  
17 environmental advocates who have made significant  
18 contributions toward enhancing and protecting the quality  
19 of the environment. Region 9 considered 150 projects for  
20 this prestigious award. Only 35 were selected to receive  
21 the honor. It is, indeed, an honor for the RMDZ staff to  
22 receive this award.

23 In other good news, you'll remember the Board's  
24 direction to staff in January about the SEE Program, the  
25 School Energy Efficiency Program. As a little background,

1 the California PUC awarded the State and Consumers  
2 Services Agency a \$4.45 million grant to implement School  
3 Energy Efficiency Program in eleven counties in the  
4 Central Valley. The SEE program is designed to provide a  
5 variety of energy efficiency education resources and  
6 facility improvement services free of charge to 55 school  
7 districts in the program area.

8 Pursuant to the Board direction on May 3rd just  
9 last week, the SEE program was successfully transferred  
10 from the State and Consumer Services Agency to the Board  
11 with approximately \$2.9 million available in a special  
12 deposit account as of the end of April 2004. Most of this  
13 funding is already committed through existing contracts.  
14 Approximately \$700,000 is yet to be committed through the  
15 new contracts.

16 I want to take a moment, Madam Chair, to  
17 acknowledge the efforts of the staff in several areas of  
18 the Board whose contribution made this transfer possible:  
19 your Chief Counsel Marie Carter, and her attorney, Steve  
20 Levine; our Budget and Contract staff including Elsie  
21 Brenneman, Susan Villa, Tiffany Donohue, and Jennifer  
22 Burnett; our Acting Education Director, Joanne Vorhies;  
23 Education Consultant, Giselle Vigneron; and last but  
24 certainly not least, the ever important Reggie Salvador.  
25 I know you'll be hearing many wonderful things from the

1 new program as we resume our Committee structure in the  
2 coming months.

3 Lastly, Madam Chair, I'd like to just acknowledge  
4 and wish a fond farewell to a very valued member of our  
5 staff, the current Acting Admin Chief. Blanche  
6 Harbridge-Wright has accepted a promotion and is leaving  
7 us. And we wish her all the best. And she's been a  
8 tremendous servant to this Board in her tenure here.

9 With that, Madam Chair, I conclude my report.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you.

11 Mr. Paparian.

12 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

13 Just a couple quick follow-ups, Mark. This  
14 situation with the worker at the Florin-Perkins Landfill  
15 is a very sad situation. But it reminds me that we had  
16 talked about whether we could improve OSHA cross-training  
17 with our LEAs. And obviously we don't know the fact of  
18 this situation, whether anything might have helped in this  
19 situation or not. But I think it's a reminder we need to  
20 pursue improvement of the OSHA cross-training that we had  
21 talked about a number of months ago. My recollection is  
22 that OSHA inspections typically only happen on a request  
23 or complaint, whereas the LEAs are in these facilities  
24 every month. So if they were to notice anything that  
25 might be an OSHA-related issue, they could certainly call

1 in an OSHA inspector to take a look at a facility.

2 So it's probably on you, Howard, to maybe remind  
3 us of where we might be and where we might go with some of  
4 that cross-training.

5 DEPUTY DIRECTOR LEVENSON: That is certainly an  
6 issue we've been looking at. We did have some training  
7 sessions at the LEA conference with OSHA there. Perhaps  
8 that's something we should have on an annual basis or  
9 perhaps consider expanding it in some manner. So we can  
10 talk further about that and see how far you want to go  
11 with that.

12 BOARD MEMBER PAPARIAN: I think maybe when the  
13 Committees get up and going again, maybe this would be a  
14 good item for the P&E Committee to take a look at and see  
15 if there are any other options there.

16 The other thing was not quite related to your  
17 report, Mark. But we had a number of agenda items that  
18 were revised in the agenda this month. That's not  
19 unusual. Some of them were revised more than once.  
20 That's not unusual either. But in terms of just helping  
21 us keep track of which revisions we're dealing with, I was  
22 going to suggest that perhaps you date the revisions so  
23 when a revision shows up, it says revised --

24 CHAIRPERSON MOULTON-PATTERSON: Date and time.

25 BOARD MEMBER PAPARIAN: Hopefully they're not

1 that frequent. But at least a date so we can keep track  
2 of which revision we're talking about when we're talking  
3 about agenda items.

4 EXECUTIVE DIRECTOR LEARY: We can certainly make  
5 that change. I think the current nomenclature is just the  
6 number of the revision, revision one. And as you said, we  
7 have a revision two. But certainly a date would help, and  
8 we'll do that.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you.  
10 Mr. Washington.

11 BOARD MEMBER WASHINGTON: Yeah. Very briefly,  
12 Madam Chair.

13 In my report, I omitted to mention the passing of  
14 Senator Pete Knight. And I mention that because I served  
15 with Pete Knight right when I was elected in '96. He left  
16 out in '98 and went to the Senate side. And I can tell  
17 you, Madam Chair, he was a very passionate man for issues  
18 that he stood on. And the Legislature has certainly lost  
19 a great, great Legislature, law maker. He passed away  
20 last week. And I want to remember his family in our  
21 prayers.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you very  
23 much for reminding us of that. I had read in the paper  
24 about it, and I know it's a great loss. And he also voted  
25 on Mike and my confirmation. He was a great man.



1           Okay. Just want to echo Mark's remarks about the  
2 SEE program and Marie and Steve and Joanne and Reggie and  
3 Giselle and all of those that worked so hard. This would  
4 have been a real easy one to say let's give up, and the  
5 program wouldn't have -- no one would have gotten the  
6 benefit of the program. But you didn't give up. And I  
7 really, really appreciate it. Thank you so much. I know  
8 all the children that will eventually be involved will  
9 really benefit from your hard work. So thank you.

10           Okay. Mr. Leary, thank you for your report.

11           We really have a very full two-day agenda. On  
12 the consent calendar we have Items 10, 13 -- just a  
13 moment.

14           Would the Generation Earth people like to give  
15 their presentation now, Ms. Blue? I know we talked about  
16 10:30, but I'll be glad to do it now, if you'd rather.

17           They're ready. Okay. Then I'm going to turn it  
18 over to Ms. Peace who coordinated this for us.

19           MS. BARRITT: Good morning. Thank you, Board  
20 members.

21           I'd like to thank you, Ms. Moulton-Patterson, for  
22 your ongoing support of county education programs. We  
23 really appreciate it.

24           And Board Member Peace, thank you so much for  
25 this opportunity to share a little bit about Generation

1 Earth.

2           Generation Earth is one of several of the  
3 county's environmental education programs. It deals  
4 specifically with middle school and high school students.  
5 And it's a multi-faceted program, but it primarily centers  
6 on teacher training. And we give teachers a school -- the  
7 tools to go back and implement programs with their  
8 students. They're community-based projects that actually  
9 make a difference on the campus and in the community. We  
10 use existing curriculum, such as the Waste Board's  
11 "Closing the Loop" curriculum, and we provide the training  
12 in an ongoing manner so teachers can come back to us for  
13 further assistance and advice.

14           And we thought -- this program is also something  
15 that's implemented on a county-wide basis. So we are in  
16 all the schools and all the school districts. There are  
17 80 school districts in L.A. County, 88 different cities.  
18 And we implement both -- we educate both about solid waste  
19 reduction, storm water pollution, prevention, illegal  
20 dumping, a number of integrated concepts in the program.

21           And really the best testament to the program is  
22 for you to hear the experiences of the teachers and  
23 students involved. So we have today from Grant High  
24 School, which is a large 4,000 student high school in L.A.  
25 County, actually within the city of L.A. and Los Angeles

1 Unified School District we have Gladys Aldona, who is a  
2 social studies teacher and also an activity coordinator.  
3 She's been really instrumental in motivating her school,  
4 the students, and the campus and guiding the student-led  
5 activities. So I'm going to let Gladys tell you about  
6 what her experience has been, and then we'll hear from  
7 Nadia Samora-Cota, who is a student participant.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.  
9 Welcome.

10 MS. ALDONA: Thank you. Thank you for having us  
11 here. Thank you for the Board members for letting  
12 Generation Earth and the County of Los Angeles bring us  
13 here. It is a pleasure to be here representing all the  
14 hard working teachers that work with Generation Earth and  
15 also to be a testament of the work that they do.

16 Let me first tell you what inspired me to get  
17 involved with Generation Earth. I'm a very strong  
18 advocate of service learning, and as an educator I see the  
19 power of service learning. I see the power when students  
20 get engaged, get empowered when they decide to do  
21 something positive for society, when they decide they need  
22 to make a contribution. As soon as I heard about  
23 Generation Earth, I knew it was going to be a successful  
24 program for my students.

25 How did I get involved with Generation Earth?

1 First, it was through a service learning expo, a mini  
2 District C LAUSD service expo. It wasn't a big event. It  
3 was just about ten different organizations showing off  
4 their work. I was showing off the work that we did with  
5 the Cesar Chavez Foundation, and across the room there was  
6 a table for the Generation Earth Organization. And I got  
7 flyers. I got posters from them. I got a lot of  
8 information. And I thought of it as a wonderful  
9 opportunity for my students to get involved. And I kept  
10 in touch with the people representing Generation Earth.

11 Later on, I started to promote Generation Earth  
12 in my classrooms. And initially I did get a lot of hands  
13 up whenever I called on students, and it incited them to  
14 just get involved with Generation Earth. It was kind of  
15 discouraging at the beginning because only three finally  
16 attended the teen leadership program. But those three  
17 teens that attended the program, they were so energetic  
18 and so passionate about the program that now we have a  
19 successful recycling program at my school.

20 Generally, Grant High School before we got  
21 involved with Generation Earth, we did have not very  
22 active recycling team or recycling club. I'm the  
23 activities directors, sponsor at Grant High School, and we  
24 have about 60 clubs. One of them is the Recycling Club.  
25 It was, I believe, about ten members who were not very

1 active. They wanted a guidance. They wanted a club to be  
2 successful, to have very successful programs. And they  
3 didn't have the guidance at that time. When Generation  
4 Earth staff came into our campus, they re-energized them.  
5 They gave them all this support and all the materials that  
6 they needed. They got me involved, too. And I kind of  
7 took over the spot for the recycling sponsor. And we have  
8 now a successful program. But initially it was just ten  
9 students. Now think I think we're growing up to 30.

10 We have a very active paper collection and bottle  
11 collection program at school. We are collecting paper  
12 every Monday, Wednesday, and Friday from every single  
13 classroom. The staff from Generation Earth have been very  
14 vital to getting us the materials that we needed. In a  
15 way, by ourselves, the club -- the administration  
16 supported us, but we couldn't do it without the support  
17 of Generation Earth. As an educator, I cannot support  
18 Generation Earth so much more than I'm doing it right now  
19 because they have made my work so much easier. They have  
20 put so much inspiration into my students that it's just  
21 something very inspiring for me.

22 After Generation Earth, how did they change our  
23 school? First, they provided us with the first recycling  
24 bins, which was something very insignificant if you think  
25 about it. But our club did not have any funds. And we

1 were not allowed to take school funds to buy recycling  
2 materials or containers for that. And Generation Earth  
3 staff were able to give us the contacts and able to give  
4 us the materials that we needed for that program to  
5 actually take off and kick off.

6           During the month of April, we had a few  
7 successful events. First, we had tree planting ceremonies  
8 that they helped us basically arrange and get the  
9 students involved in this. We also had an Earth Day  
10 Celebration. I believe it was the first time that our  
11 school celebrated Earth Day this year. And the kids did a  
12 lot of creative activities to basically promote recycling  
13 and promote environmental awareness.

14           In terms of the promotional work that we have  
15 done to get more students engaged in the recycling program  
16 and just to get them into recycling, period, we have come  
17 up with some creative ideas that came from students  
18 themselves. For example, we have the recycled a bottle  
19 program in which kids get lancer money. The lancer is the  
20 school mascot, and we designed a \$1 bill with the picture  
21 of the lancer. And I have some pictures here that I don't  
22 know if I can show you the lancer dollar here. It's  
23 basically a fake dollar, but it's good at the student  
24 store.

25           We actually ask student to mark their bottles.

1 The place them in the containers, and a few of our  
2 students go around every Wednesday collecting them.  
3 Whoever wins, whoever we pick the name, that person gets a  
4 dollar that they can use at the student store. It has  
5 been a successful program. So far I think we have handed  
6 out at least \$40 or so in collecting those bottles. The  
7 students are asking us, "Why can't you do more winners  
8 every week," because we want to get lancer money.

9 And another thing that we have also thought  
10 about, the students came up with this idea was bottle  
11 basketball, in which the students had to basically shoot a  
12 bottle into the container. If they got it in from a  
13 moderate distance, then they would get a lancer dollar on  
14 Earth Day.

15 Now what are some of our goals for the future?  
16 We want to work with more clubs on our campus. We  
17 actually have the Generation Earth Coalition. In a campus  
18 where we have 60 clubs, we have at least 15 clubs  
19 represented in our coalition. Members of those clubs are  
20 active members of the recycling team. But we really want  
21 to grow. We want to get more members of different clubs  
22 represented and officially supporting the Generation Earth  
23 Coalition. We would like to work with more organizations,  
24 definitely continue to work very close with Generation  
25 Earth, with the staff members of Generation Earth.

1           We want to get more teachers involved, not just  
2 with Generation Earth, but also with other organizations,  
3 environmentally -- organization that basically promote  
4 environmental awareness. At the same time, we still have  
5 some practical goals we would like to accomplish. For  
6 example, making sure every single classroom and every  
7 office of the staff member in our school has a recyclable  
8 container that we can really use. We have been able to  
9 acquire cardboard boxes from the district, but those boxes  
10 can only go so far. We need more durable containers that  
11 can help us and make this program more successful.

12           In terms of promotional work also, we would like  
13 to know if there are any materials, whether it's publicity  
14 material or materials that can help us, from the state  
15 level or the city level that we have not been aware of up  
16 to this point. And we would really appreciate any help in  
17 that form.

18           I believe that we definitely need more public  
19 relations material for recycling. A lot our students are  
20 not aware. A lot of the parents are not aware that we  
21 have a very serious trash problem. And they represent the  
22 future. If we think about the youngsters, they represent  
23 the future. And we need to start getting them more  
24 interested in the environment.

25           At the same time, I know we do have environmental



1 education at the school level. But it's not a  
2 requirement. It's basically an optional elective in the  
3 science department. I believe at this point we should be  
4 pushing for having environmental education as a  
5 requirement. And not just for the knowledge, but also for  
6 the action part of it, getting students to be more active  
7 in service learning related to the environment.

8           And one more point is basically my question to  
9 the Board in terms of if there are any incentives for  
10 schools to get on board with the recycling programs? Are  
11 there any -- I know we do have -- through Generation  
12 Earth, they do have a wonderful competition, Battle of the  
13 Schools, and that is going to come to an end soon. They  
14 will have a winner, and the winner will get a concert from  
15 KISS FM. But I would like to know if there are any other  
16 incentives at the state level for schools to start  
17 thinking about reducing their waste, changing their ways  
18 of buying, because even buying paper at my school becomes  
19 a challenge.

20           We have people in charge of making those  
21 decisions that are not environmentally aware or don't see  
22 the benefit of buying recycled paper or getting materials  
23 that can be reused or in a way we could go along with the  
24 slogan of our Generation Earth, which is "rethink, reduce,  
25 reuse, and then recycle." So that's another challenge

1 that we face in the future to get even our members to not  
2 just embrace recycling, but the rethinking process, the  
3 reducing process, reusing, and then, if anything, recycle.

4 Thank you very much for giving me the opportunity  
5 to represent the teachers that work so hard with  
6 Generation Earth. And I would like to introduce you to  
7 Nadia Samora who is a senior at my school and who I have  
8 seen grow so much. I'm very proud that she went to the  
9 Generation Earth workshops and has become one of the  
10 teenagers for the program. Nadia.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you.

12 Welcome, Nadia.

13 MS. SAMORA: Good morning, everyone. I'm a  
14 little nervous, but Like Ms. Aldona said, I'm currently a  
15 senior at Grant High School. I'm Vice President of the  
16 Recycling Club at my school. The club was started about a  
17 year ago pretty much for kids to get together and discuss  
18 issues that bothered them or, you know, talk about it, get  
19 it -- sorry. But we shared ideas on how we could get a  
20 recycling program started. But unfortunately, a lot of  
21 the kids lacked determination and, you know, just didn't  
22 want to do anything. So with the help of Generation  
23 Earth, we just -- our program got off the ground.

24 I heard about Generation Earth through a friend  
25 who heard about it through her senior leadership class.

1 She knew I was environmentally-inclined, so she invited me  
2 to her teen leadership workshop. Generation earth is an  
3 environmental education program of the County of  
4 Los Angeles. And basically, they -- it was developed to  
5 raise equal awareness in middle school and high school  
6 students.

7 I thought it would be a great place for me to go  
8 and learn about how I could help the environment and maybe  
9 share some of my knowledge with my peers. At the first  
10 generation workshop that I attended, we walked around and  
11 looked through trash cans to audit the trash that was  
12 being disposed of. Then we proceeded to brainstorm on how  
13 or what we could do to reduce the amount of trash that was  
14 being disposed of on our own campus.

15 My workshop -- our workshop coordinator told us  
16 about this workshop -- recycling workshop that is held  
17 every month at different schools in the county, so I  
18 invited them to come to my school. It was very  
19 successful, actually. It really helped our recycling  
20 program get off the ground. I learned almost everything I  
21 needed to know on how to start a recycling program and how  
22 to keep it going. I knew it was going to be a tough  
23 challenge, but it was a challenge that I, as well as other  
24 kids, were willing to take on.

25 The hardest part about starting the recycling

1 program in school is probably publicity. How do we get  
2 the word out to a campus of about 3,000 students? I mean,  
3 most kids my age with raging hormones have little or no  
4 interest in the environment. I mean, how do we get across  
5 to them? Generation Earth has really helped us in that  
6 department as well, because they supplied us with posters  
7 that teachers can hang in their classrooms. And like  
8 Ms. Aldona said, they provided us with our very first  
9 recycling bins.

10 In the teen leadership workshop, they encourage  
11 us to spread the word in a positive way without preaching  
12 negativity. We can already see the results, actually.  
13 Over 20 student have attended the recycling workshop at  
14 Grant, which is more than we had in three eco clubs in my  
15 school.

16 Working with Generation Earth has really helped  
17 me develop my skills at a leader. I recently volunteered  
18 with them as part of an educational service learning  
19 project in the L.A. River. They basically trained us to  
20 teach little kids -- elementary school kids about the two  
21 water sources that carry trash into the L.A. River. It  
22 was very empowering, but it was really scary. Little kids  
23 are just -- I mean, they're hard to control.

24 I now have the confidence to talk about issues  
25 concerning the environment to people that don't really

1 care about it or never really -- don't really know about  
2 those things. And I learned that I'm not alone. There  
3 are lots of kids out there that are willing to help the  
4 environment the same way that -- they feel the same way  
5 about the environment as I do.

6           Participating with Generation Earth has showed me  
7 that I can make a difference. And I'll be going to  
8 college soon, next September in the fall. And I really  
9 plan on following through with or participating with  
10 programs that have to do with the environment.

11           I'd like to thank you guys for giving me the  
12 opportunity to talk to you here and for supporting county  
13 programs like Generation Earth. They really help teens  
14 become part of the solution to Los Angeles' many  
15 environmental problems. So thank you very much.

16           CHAIRPERSON MOULTON-PATTERSON: Well, I want to  
17 thank you very much. You did an excellent job, and we  
18 really appreciate you coming up here and telling us about  
19 what you're doing.

20           I first heard about Generation Earth -- I'm on  
21 the Board of Keep California Beautiful, and all the good  
22 work you're doing in the middle schools -- it's middle  
23 schools, too, right, and high school? I think you're  
24 doing a terrific job. We certainly look for any ways we  
25 can help.

1           And at this time, I'm going to let Ms. Peace  
2 conclude.

3           BOARD MEMBER PEACE: First of all, I don't see  
4 Jeff Hoency here, but I want to recognize his effort with  
5 his involvement with getting AB 1548, our environmental  
6 education bill, off the ground. His participation has  
7 been invaluable, and we really appreciate it.

8           So, Steve, thank you for being here, and Malinda,  
9 Gladys, Nadia thank you very much. It's exciting to hear  
10 you talk about these programs at your school. Wish it  
11 could spread to all schools. But thank you for sharing  
12 your program. You've done a wonderful job. It's great to  
13 see young people make such a contribution to their school,  
14 to their environment, and to our earth.

15           Our hope would be to see Generation Earth's  
16 environmental awareness spread to every school. But like  
17 you said, it's a challenge. It's a challenge for us here  
18 to get schools to recycle and buy recycled. We deal with  
19 that all the time, Joanne and Pat.

20           We do have an Environmental Ambassador's Program  
21 here at the Board where we are try to get schools on board  
22 to make them aware of recycling and how important that is.  
23 And hopefully with AB 1548, the environmental education  
24 bill, more students will become aware of how important it  
25 is to do these things and to protect our earth. So thank

1 you for being here. Thank you very much.

2 Mr. Paparian.

3 BOARD MEMBER PAPARIAN: I just want to add my  
4 thanks, too. It's very, very inspiring program.

5 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian is  
6 our environmental member.

7 BOARD MEMBER PAPARIAN: I also went to Van Nuys  
8 High School. I think we -- I only hope Van Nuys is doing  
9 half as good a job as Grant is.

10 MS. BARRITT: Well, it's close. But we do have  
11 about 50 schools involved in our Battle of the Schools  
12 right now. They're working on reducing. We'll get back  
13 to you with the numbers diverted.

14 BOARD MEMBER PAPARIAN: Ms. Aldona mentioned a  
15 need for resource materials, and I know that we have some  
16 materials. I'm sure Joanne Vorhies here can help put you  
17 in touch of with some of that.

18 But that also brings up an issue and something we  
19 may want to work on in the future. We have a very good  
20 website where we do have a lot of materials that we make  
21 available. If we're not providing the types of things  
22 that programs like this really need and can use or  
23 providing it in the format these programs need and can  
24 use, perhaps we can make some further improvements on what  
25 we make available and how we make it available.

1 I notice on the front page of our website there's  
2 the "who are you section" and there's a thing you can  
3 click if you're a kid or if you're a school represent.  
4 I'm not sure a senior in high school would consider  
5 herself a kid. You know, maybe we need some connection  
6 for students and maybe a little more mature material  
7 available than Vermie the Wormie for kids who are getting  
8 into middle school and high school.

9 MS. BARRITT: I think the materials available are  
10 wonderful, and we use the state's materials as well. I  
11 think it's just a matter of scale you probably always feel  
12 like you can use more bins, more posters, more of  
13 everything. So we'd love to continue that discussion.  
14 The staff is wonderful to work with in the education  
15 section. We've worked with them closely.

16 BOARD MEMBER PAPARIAN: Keep up the good work.

17 CHAIRPERSON MOULTON-PATTERSON: Again, thank you  
18 so much for coming and sharing the program with us.

19 MS. BARRITT: We appreciate it thank you.

20 (Applause)

21 CHAIRPERSON MOULTON-PATTERSON: Now back to our  
22 regular agenda. We have Items 10, 13, and 25 which have  
23 been pulled. We have several items proposed for the  
24 consent agenda, but I believe some of them will be pulled.  
25 Items 3, 26, 28, and 29 are now proposed.



1 Mr. Paparian.

2 BOARD MEMBER PAPARIAN: I'd like to pull Item 3.

3 CHAIRPERSON MOULTON-PATTERSON: Okay. Fine.

4 EXECUTIVE DIRECTOR LEARY: Madam Chair.

5 CHAIRPERSON MOULTON-PATTERSON: Yes.

6 EXECUTIVE DIRECTOR LEARY: Agenda item 28 has  
7 been pulled completely from the Board's consideration  
8 also. It's not only off consent, it's off the Board's  
9 agenda.

10 CHAIRPERSON MOULTON-PATTERSON: So for consent  
11 when we get to that, that leaves 26 and 29.

12 Items 1, 2, 4 through 9, 11, 12, 14 through 24,  
13 27, 30, and 31 will be heard by the full Board. And item  
14 3 and -- Item 3 also. So those will be heard by the full  
15 Board.

16 We will be -- the Board will be having a closed  
17 session tomorrow, Wednesday, to discuss personnel issues  
18 pursuant to Government Code 11126(a)(1) and litigation  
19 matters Government Code 11126(e). And so we'll be here  
20 bright and earlier tomorrow for closed section. We might  
21 get started a little bit late.

22 And it's my plan to hear today 1, 2, 3, 4, 5, 6,  
23 7, 8, 9, 11, 12, 16, 17, and 31. Those will be heard  
24 today. The remaining items will be heard tomorrow after  
25 our closed section.

1           So with that, I would like to go to the Continued  
2 Business, Agenda Item Number 1, Consideration of the Grant  
3 Awards for the Waste Tire Enforcement Grant Program for  
4 Fiscal Year 2003-2004.

5           EXECUTIVE DIRECTOR LEARY: Madam Chair, did you  
6 want to take up the consent agenda?

7           CHAIRPERSON MOULTON-PATTERSON: Yes. We do still  
8 have two items on the consent calendar, 26 and 29.

9           Do I have a motion?

10          BOARD MEMBER WASHINGTON: Madam Chair, I'd like  
11 to move consent calendars Item 26 and 29.

12          BOARD MEMBER PAPARIAN: Second.

13          CHAIRPERSON MOULTON-PATTERSON: We have a motion  
14 by Mr. Washington, seconded by Mr. Paparian to approve 26  
15 and 29 on consent.

16          Please call the roll.

17          SECRETARY WADDELL: Paparian?

18          BOARD MEMBER PAPARIAN: Aye.

19          SECRETARY WADDELL: Peace?

20          BOARD MEMBER PEACE: Aye.

21          SECRETARY WADDELL: Washington?

22          BOARD MEMBER WASHINGTON: Aye.

23          SECRETARY WADDELL: Moulton-Patterson?

24          CHAIRPERSON MOULTON-PATTERSON: Aye.

25          Number 1, Mr. Lee.

1           DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

2 And good morning, Board members. My name is Jim Lee with  
3 the Special Waste Division.

4           Board Item 1, Consideration of the Grant Awards  
5 for the Waste Tire Enforcement Grant Program for Fiscal  
6 Year 2003-2004.

7           Before I get into the main part of my  
8 presentation, I believe that you have received another  
9 copy of the agenda item in Resolution marked "second  
10 revision" and reflecting a correction of a minor four cent  
11 math error.

12           This item was continued from the April 2004 Board  
13 meeting to allow consideration of two issues of concern to  
14 Board members. First, Board Member Paparian brought up  
15 the issue of a third party evaluation of a local waste  
16 tire enforcement program with the particular emphasis on  
17 its cost effectiveness. Staff would note the following  
18 with regards to this proposal.

19           First, staff feels that we are competent and  
20 capable to perform this evaluation internally. Secondly,  
21 this evaluation work is ongoing with at least the tacit  
22 approval if not the explicit endorsement of the Board as  
23 it was constituted during the preparation of the Five-Year  
24 Plan amendment last year.

25           All of this notwithstanding, staff is neutral on

1 this proposal and will, of course, abide by any  
2 determination of the Board in this matter. Funds for  
3 pursuing this third-party evaluation could be taken from  
4 the Fiscal Year 04/05 money set aside for the local waste  
5 tire enforcement program with the intent that this work  
6 would be commenced and completed in time to influence the  
7 decisions to be made in the next iteration of the  
8 Five-Year Plan.

9           The second issue raised was raised by Board  
10 Member Washington with regard to staff's disqualification  
11 of three applicants. Program Management and the Legal  
12 Office have reviewed this situation and determined that  
13 staff's actions were neither inconsistent or  
14 inappropriate. Nevertheless, staff acknowledges Board  
15 concern to involve as many qualified jurisdictions as  
16 possible, given this is a non-competitive historically  
17 undersubscribed grant program.

18           In response to this concern, staff met with the  
19 Legal Office and the Grants Unit and was informed that  
20 last year the Unified Education Strategy Grant Program  
21 after approval of its awards had additional funds  
22 available to grant. To solicit additional grantees, the  
23 Board authorized staff to issue a second abbreviated  
24 grant offering. This allowed new and previously  
25 unsuccessful applicants to submit a new application for

1 evaluation.

2           If so directed by the Board, staff is prepared to  
3 issue another Notice of Funding Availability in an attempt  
4 to solicit grantees for the remaining \$1.287 million.  
5 This new grant solicitation would be subject to the same  
6 criteria and evaluation process approved by the Board for  
7 the current cycle. And necessarily, this second offering  
8 would be very short so that applications could be  
9 received, evaluated, and proposed for award in June. This  
10 action would necessarily mean less money available for  
11 redistribution in the reallocation item to be discussed  
12 later this morning and the potential need for a second  
13 reallocation item in June to distribute any funds which  
14 are not encumbered in this secondary grant offering.

15           In summary, staff is prepared to implement a  
16 Board determination adopting Resolution 2004-98 and  
17 awarding \$4,712,549 to 36 identified grantees and  
18 directing staff to commence a new offering with the  
19 issuance of a Notice of Funding Availability.

20           This concludes staff's presentation.

21           CHAIRPERSON MOULTON-PATTERSON: Thank you.

22           Mr. Washington.

23           BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

24           CHAIRPERSON MOULTON-PATTERSON: We do have a  
25 speaker also.

1 BOARD MEMBER WASHINGTON: Would you like the  
2 speaker to go first?

3 CHAIRPERSON MOULTON-PATTERSON: Whichever.

4 BOARD MEMBER WASHINGTON: I'd like the speaker to  
5 go first.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you.

7 William Prinz, City of San Diego LEA. Good  
8 morning.

9 MR. PRINZ: Good morning. Thank you for the  
10 opportunity to speak to you this morning. The city of  
11 San Diego LEA would like to speak in support of staff  
12 recommendation to adopt Resolution 2004-98.

13 The city of San Diego has had a waste tire  
14 enforcement grant since 1999. And thanks to the Board, we  
15 have been able to, through this funding, alleviate many of  
16 the waste tire issues we've had in the city. However, we  
17 feel by delaying the approval of this grant until the June  
18 Board meeting, there would not be enough time to process  
19 the grant agreement by July 1st. Without this funding,  
20 San Diego would not be able to perform the necessary tasks  
21 after July 1st.

22 But we support the issue we heard this morning  
23 about the new NOFA offering that would offer some  
24 opportunity for other jurisdictions so that those who have  
25 successful applications could hopefully be approved today.

1           However, if the grant is delayed, you know, there  
2   should be existing -- enough time allowed to process the  
3   waste tire agreements, you know, so we can retroactively  
4   get the money if it was still needed.

5           So therefore, the Board should vote in favor of  
6   the resolution and send a message to local government of  
7   support for their waste tire enforcement grants. Thank  
8   you.

9           CHAIRPERSON MOULTON-PATTERSON: Thank you for  
10   being here.

11          Mr. Washington.

12          BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

13          Again, I want to in my comments -- hold my  
14   comments.

15          (Thereupon there was an interruption in the  
16   proceedings.)

17          CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

18          BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

19          I want to make sure that the issue here is very  
20   clear. I heard several things about this particular item,  
21   and people's comments and things like that don't bother  
22   me. But what I do think is important is I was appointed  
23   to this Board as a public Board, and that means I  
24   represent the entire state of California. Whenever there  
25   is an issue with any of these grants, loans, or anything

1 of that nature, I'm going to raise it. I don't care, you  
2 know, whether it's north, south, or in between, Central  
3 valley, anywhere, I'll raise the concern.

4           And I had a concern. I had a concern that the  
5 city of Los Angeles had which probably has the largest  
6 problem with tires in the state of California. And it's  
7 fortunate for me but unfortunate that I represented the  
8 areas down there which I mentioned which is some of the  
9 most devastating areas down in Southern California, where,  
10 as I said before, Madam Chair, that I can take you on a  
11 tour down the Alameda Corridor and probably raise up about  
12 500,000 tires in five minutes. It's just -- that's just  
13 how it is.

14           But I raised this concern because I felt that we  
15 need to take a look. And I want to thank Madam Chief  
16 Counsel and our Executive staff and all those who worked  
17 to make sure that we were still on the right track. It  
18 was never my intent not to fund any of our other cities or  
19 any of the other folks who were awarded these grants. But  
20 I wanted to make sure before I voted on this there was a  
21 clear understanding that I will not support any items like  
22 this if there's not due consideration that's given across  
23 the board to all of our local governments as well.

24           And again, I'm still concerned, Madam Chair,  
25 because just recently talking with the city of



1 Los Angeles, the Director of the Environmental Services  
2 down there, and with the staff person working on this,  
3 they were very interested in getting moneys from this  
4 project. They knew what they were applying for. Again,  
5 staff told us that the county and other folks were not  
6 interested in doing this, and again I'm still concerned  
7 about this. And I want to make sure that we're on the  
8 right path of making sure that everyone who wants to  
9 participate in these types of projects, that we give them  
10 due consideration. If there's a process where we can help  
11 out, it doesn't hurt to help out. It's that simple.

12 So I'm prepared to vote for it, Madam Chair, with  
13 some reluctance. And again, I don't want to hold anybody  
14 up. But I will tell you that any items like this that  
15 come forward and we have concerns, if there are concerns  
16 like this, I will certainly like the staff to bring them  
17 to me ahead of time so that we don't have to have this pow  
18 wow out in the public section.

19 And perhaps maybe we can figure out ways of  
20 streamlining the ability to help individuals who want to  
21 do this type -- this is a very important type of work we  
22 do. Enforcement is the key here. And I've said to staff  
23 I support the idea that we need more enforcement.  
24 Whatever we need to do to get more staff on board in terms  
25 of enforcement, we'll do that. But at the same time, I

1 want to make sure there's a fairness here, and I just have  
2 some concerns. I never once said that staff didn't do  
3 anything right. I just had some concerns as it relates to  
4 making sure things were done the right way and it was  
5 appropriate, because my office received information that  
6 was different from what staff had given us. Whenever that  
7 happens, then I think it ought to be raised and talked  
8 about.

9 But I will vote for it, Madam Chair. But I still  
10 have some reluctance as to the information that's been  
11 provided to us. Thank you.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
13 Washington.

14 Mr. Paparian and then Ms. Peace.

15 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

16 Mr. Lee mentioned that the issue of an evaluation  
17 of where we're at with this enforcement program, and I  
18 think that is an important thing for us to consider, just  
19 like we did with the RAC program last month where we got  
20 an excellent report on where the RAC centers are and where  
21 there's some of the potential areas for improvement.

22 I think with this program this is the largest --  
23 as far as I know, the largest focused enforcement program  
24 anywhere in any environmental agency in California. We're  
25 ramping up from 4 million to \$6 million a year in this

1 program, yet there are some lingering issues which I think  
2 ought to be looked at in an evaluation, such as how are we  
3 covering the areas that are not benefiting from grants?

4 As I look at the state, probably about half the  
5 surface area of the state is not covered by someone who  
6 has received a grant. Those areas are supposed to be  
7 covered by a handful of our Waste Board staff. A number  
8 of those areas are along the borders of the state. A  
9 number of those areas are in areas that perhaps ought to  
10 receive some special attention, given what's happened tire  
11 wise in those areas in the past. There's some rural  
12 areas, some areas in the central valley and so forth.

13 Some other issues I think we ought to take a look  
14 at. I know that we allow jurisdictions to buy automobiles  
15 and other equipment with these grants. Do we need to  
16 continue doing that? Should we put any types of  
17 restrictions on that? Should we assure that those  
18 vehicles are truly being used just for these enforcement  
19 programs and not other programs? And should we institute  
20 some sort of green purchasing requirement as we do with  
21 other items to assure that vehicles are not, you know, big  
22 old gas guzzlers, but more appropriate to the job if we're  
23 beginning to continue to allow those types of purchase?

24 I think there are a number of issues that are out  
25 there. I'm sure staff has a lot of background and

1 information that they have already put together on the  
2 effectiveness of this program. But I think that as  
3 Mr. Lee suggested as a possibility of taking some funds  
4 out of the FY 04/05 funds, perhaps 100, \$150,000, in that  
5 neighborhood, could be well spent to assure that we're  
6 comfortable in how we're spending this \$6 million in the  
7 future.

8           One additional item, we do have several  
9 enforcement-related activities that interrelate that  
10 probably ought to be looked at to make sure we're doing  
11 those as effectively as we can. We have programs with the  
12 District Attorney's Association, with these local folks,  
13 with our staff, with the Highway Patrol, and perhaps with  
14 others that I'm not thinking of off the top of my head.  
15 So I think some sort of review similar to what we have  
16 with the RAC centers would be appropriate and to come out  
17 next fiscal year's budget.

18           CHAIRPERSON MOULTON-PATTERSON: Thank you,  
19 Mr. Paparian.

20           Ms. Peace.

21           BOARD MEMBER PEACE: I just want to say I still  
22 have some of the same concerns that Mr. Washington and  
23 Mr. Paparian have. In fact, like San Francisco and the  
24 City of L.A. were rejected for a grant. The County of  
25 San Diego didn't even apply. I talked to the people at

1 the County. They said, "We didn't apply because this is  
2 not a priority for us." So what concerns me is that there  
3 are some big enforcement holes in this state, and it's a  
4 problem we're going to have to address one way or the  
5 other. If we can't work it with the locals for them to do  
6 it, I mean, we're going to have to find a way to do it  
7 ourselves, because the state needs to be covered.

8 And then, Mr. Lee, can you explain to me what you  
9 just said about sending out another NOFA. So you'd be  
10 sending out another one like to San Francisco and L.A. and  
11 San Diego County?

12 DEPUTY DIRECTOR LEE: That is correct, Ms. Peace.  
13 Except it would be an open invitation. Basically, we'd be  
14 putting the same NOFA we put on the street to get the  
15 existing set of applicants. So it's open to all under the  
16 same criteria the Board approved earlier.

17 BOARD MEMBER PEACE: But you wouldn't be sending  
18 them to the ones you already approved.

19 DEPUTY DIRECTOR LEE: Certainly not the ones that  
20 have already been approved, but certainly the ones that  
21 were disqualified would be able to submit a new  
22 application.

23 BOARD MEMBER PEACE: Okay. So then if you send  
24 that out now, and say you got one from L.A. and  
25 San Francisco. It was \$500,000 we needed. Is that --

1           (Thereupon there was an interruption in the  
2           proceedings.)

3           BOARD MEMBER PEACE:   How much money are you  
4   saying -- from the reallocation amount, you're taking that  
5   amount out to hold aside for the enforcement grants?  
6   Should you get some more from this new NOFA you're sending  
7   out?

8           DEPUTY DIRECTOR LEE:   Yes.   Let me try to explain  
9   that.   In order to preserve the integrity of the grant  
10   process, we can't just send a grant out to the three  
11   disqualified grantees.   So the grant solicitation will be  
12   open to all.   It's on a first come, first serve basis,  
13   which is pursuant to the instructions in the original NOFA  
14   application.   Because of the fact that we are putting out  
15   another grant solicitation, we're necessarily going to  
16   have to reserve money to have, should we have successful  
17   applicants.

18           So staff's proposal is to set aside the 1.287  
19   that currently shows in the reallocation.   That amount  
20   will be held in advance until we review the grant  
21   applications and determine who is eligible and how much of  
22   that money is going to be utilized.

23           EXECUTIVE DIRECTOR LEARY:   Madam Chair, if I  
24   might.

25           CHAIRPERSON MOULTON-PATTERSON:   Mr. Leary.

1 EXECUTIVE DIRECTOR LEARY: Just the one thing  
2 that Jim has not mentioned is the fact the Board has  
3 allocated \$6 million in the Five-Year Plan for this grant  
4 purposes. If we don't expend it all next month, there  
5 still will be a reminder that will go through a  
6 reallocation process in June. I just wanted to remind the  
7 Board originally the allocation was \$6 million, and this  
8 additional NOFA will be the difference between what you  
9 potentially may award in this item with \$6 million, 1.27,  
10 as Jim has pointed out.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you.  
12 Just so we're clear, your recommendation is still  
13 to approve Option 1 and approve this; right?

14 DEPUTY DIRECTOR LEE: Madam Chair, like I said, I  
15 guess we were -- to be respectful of what we understand is  
16 the Board's feeling about this particular matter as I  
17 noted in my presentation, staff is prepared to change the  
18 written recommendation to be seen in Revision 2 to  
19 incorporate what we -- to at least allow the Board to  
20 consider the option of the NOFA that we put on the street.

21 CHAIRPERSON MOULTON-PATTERSON: Okay. And how  
22 have these grants been advertised? The reason I ask is I  
23 understand that L.A. or one of them read about it in a  
24 trade newsletter, where other areas received personal  
25 calls. So I'm confused on how they're advertised.

1           DEPUTY DIRECTOR LEE: Staff did solicit certain  
2 identified applicants before the NOFA went out. The idea  
3 was, again, we're trying to cover the gaps, you know,  
4 which various Board members have mentioned. City of L.A.  
5 was not targeted because in the last grant cycle the  
6 County of L.A. was the grant applicant, and they covered  
7 all of the city. This time, the County of L.A. had  
8 staffing problems of their own, so they limited their  
9 application to their area only. It was the expectation  
10 the city would be applying on its own behalf.

11           The city did apply, but the applicant -- or the  
12 Department of Public Works Street Inspection Division was  
13 not eligible for the grant award. I had a follow-up  
14 conversation with the people that submitted the grant on  
15 that personally, and they acknowledged that they did not  
16 have the authority to basically do the facility  
17 inspections which are the core requirement of this grant  
18 program.

19           Now, on the other hand, I have also identified  
20 other people in the city of L.A. that might step forward  
21 in combination with the street division to at least on the  
22 surface present an approvable application.

23           CHAIRPERSON MOULTON-PATTERSON: Thank you.

24           Mr. Paparian.

25           BOARD MEMBER PAPARIAN: Thank you, Madam Chair.



1           So as I'm understanding where we're at right now,  
2 we have the resolution in our binder with the change in  
3 the amount, a few cents.

4           DEPUTY DIRECTOR LEE: Yes.

5           BOARD MEMBER PAPARIAN: Then we have two  
6 additional items that have been talked about. It sounds  
7 like those should go in the resolution itself. One would  
8 be the issue of reopening a quick process, and that would  
9 be dependant in part on our reallocation item we're going  
10 to be taking up later today, Item 12, presumably.

11          DEPUTY DIRECTOR LEE: Yes. The resolution -- if  
12 the Board does want the secondary grant offering to go on  
13 the street, the NOFA, then that should be disclosed and  
14 directed in a revised resolution.

15          BOARD MEMBER PAPARIAN: So I'll look to legal  
16 counsel for help here. What I'm understanding the  
17 resolution to include is a resolved clause that the Board  
18 intends -- the Board intends to initiate a supplemental  
19 application process. Go ahead. Is there better wording?

20          CHIEF COUNSEL CARTER: Marie Carter, Chief  
21 Counsel. The Board would authorize the program to issue a  
22 second Notice of Funding Availability to have a completion  
23 date sufficient to bring back to the Board in June for  
24 award.

25          BOARD MEMBER PAPARIAN: That would be included

1 with -- and we will understand that's contingent on  
2 whatever we might allow in the reallocation item to go for  
3 that purpose. It sounds like there should be a second new  
4 resolved clause that the Board intends to pursue in FY  
5 04/05, an independent performance review of the  
6 enforcement programs.

7 CHIEF COUNSEL CARTER: I don't believe that needs  
8 to go in the resolution. What the Board is looking to  
9 through this agenda item is consideration of this grant  
10 award, but certainly that would be direction to the  
11 program.

12 BOARD MEMBER PAPARIAN: So I don't think there's  
13 any problem with that being the direction.

14 CHAIRPERSON MOULTON-PATTERSON: I apologize.  
15 Before we make the motion, I was handed a late speaker  
16 slip. And I want to make sure Terry Leveille has a chance  
17 to speak. I'm sorry, Mr. Leveille. I just saw this.

18 MR. LEVEILLE: Madam Chair and Board members.  
19 Thank you very much. Sorry to be a delayed respondent.

20 This grant program basically examines tire  
21 dealers and end users and processors. It doesn't go in  
22 any way toward cleaning up tires. But one of the problems  
23 that has cropped up one time in one county was that the  
24 county itself once they received the grant, they notified  
25 the tire dealers that they were going to be charged for

1 the inspection that they were going to be carrying out  
2 with this grant program.

3 And I would like to see that on behalf of the  
4 Tire Dealers Associations in Northern California and  
5 Southern California that there be some mention or some  
6 amendment within the resolution that the recipient of a  
7 grant cannot pass on or cannot add to a fee to the grant  
8 that they're already receiving to perform the inspections.  
9 It was taken care of earlier this year. But I think the  
10 tire dealers, particularly in this one county, were  
11 appalled that they were being charged a fee in addition to  
12 the grant money that the county was receiving to do the  
13 inspections.

14 BOARD MEMBER PEACE: Mr. Lee, can you address  
15 that problem?

16 DEPUTY DIRECTOR LEE: Other than --

17 BOARD MEMBER PEACE: Have you heard this  
18 anywhere, other than this one county?

19 DEPUTY DIRECTOR LEE: I'm not aware of it in any  
20 other counties. There's none that have been brought to  
21 our attention, except for the situation that Terry has  
22 mentioned. I think it's certainly something, again, if we  
23 are providing, you know, grants into a local jurisdiction  
24 for this purpose, it does seem like that's not appropriate  
25 for the local jurisdiction to be also charging an

1 additional fee over and above that. But our current  
2 program requirements don't speak to that issue one way or  
3 the other.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you.  
5 Mr. Paparian.

6 BOARD MEMBER PAPARIAN: I'm not sure that -- I'm  
7 very sympathetic with what Mr. Leveille has suggested.  
8 I'm not sure -- it sounds like it would be a change in the  
9 grant requirements that might present a little bit of a  
10 legal problem at this point. I think in the future I  
11 think we ought to make sure that we address this in next  
12 year's cycle, and it would be another thing to look at in  
13 this review that I talked about.

14 MR. LEVEILLE: I would hope that the Board would  
15 have an understanding that that certainly isn't the intent  
16 of this grant program. And that if issues do come up,  
17 specific counties or cities do complain, which we will  
18 hear about -- the tire dealers from the cities and  
19 counties do complain that we could bring any kind of issue  
20 like that to the Board for resolution. It was handled  
21 very well last time. And I just want to make that  
22 assurance. But I just wanted to let the Board know that  
23 is a potential problem and that maybe we could handle it  
24 next year within the program.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you

1 Mr. Leveille. And I appreciate you bringing it forward  
2 because we do want to know about it.

3 Mr. Washington.

4 BOARD MEMBER WASHINGTON: Madam Chair, just a  
5 question to you. In the spirit of what Mr. Leveille just  
6 said in the spirit of the grant the Board has just  
7 authorized, then why is it that we would go forward with  
8 the potential that these local governments can still do up  
9 until next year's grant process? Does anyone have an  
10 answer to that?

11 CHAIRPERSON MOULTON-PATTERSON: Ms. Carter.

12 CHIEF COUNSEL CARTER: I'm sorry?

13 BOARD MEMBER WASHINGTON: In the spirit of what  
14 this grant was used for, he just raised a concern about  
15 local governments charging this excess fee. If we allow  
16 this to continue and say maybe we can address it in next  
17 year's 04/05 or 03/04, whatever the year is, then there's  
18 a potential that the local governments can continue to do  
19 this up until next year. How do we stop that from  
20 happening if that's not the spirit of this grant?

21 CHIEF COUNSEL CARTER: There are several  
22 issues --

23 BOARD MEMBER WASHINGTON: Let me just say, is  
24 there a way we can send a letter to all the awardees  
25 saying you cannot charge people a fee? I mean, something

1 can be done to stop this now. If there's a bleeding, we  
2 want to stop the bleeding. And we don't want just sit  
3 there and linger and continue to bleed until next year and  
4 say okay, we'll do certain things next year.

5 CHIEF COUNSEL CARTER: The Board mechanically  
6 could do that through our grant agreement. However, it  
7 raises a couple of issues. The first is that it could be  
8 that some of these applicants applied and structured their  
9 program in such a way that allowed and relied upon that  
10 fee. And so we would basically be changing their program.

11 Also, it might be a matter that the Board would  
12 want to hear discussion from these locals as to their  
13 point of view as to why the fee would be necessary to  
14 supplement this grant amount.

15 BOARD MEMBER WASHINGTON: Okay.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you.

17 Ms. Peace has been waiting to speak.

18 BOARD MEMBER PEACE: I just have a question.

19 If we go ahead and pass this the way it's being  
20 recommended, and that is really going to throw off the  
21 reallocation items, correct? We'll be taking like \$1.3  
22 million out of the reallocation money.

23 DEPUTY DIRECTOR LEE: That's correct.

24 BOARD MEMBER PEACE: I'm just wondering if we go  
25 ahead and pass this item here the way it is and consider

1 the NOFA in Item 12.

2 BOARD MEMBER PAPARIAN: Madam Chair, the way I  
3 was structuring the Resolution was to allow this reopening  
4 dependent on what action happens in the reallocation item.  
5 So we wouldn't be committing that money in this item. It  
6 would be committed in the reallocation item.

7 CHAIRPERSON MOULTON-PATTERSON: So you're both  
8 saying the same thing.

9 BOARD MEMBER PAPARIAN: Because I think we need  
10 to look at the whole picture of the reallocation item, and  
11 I think we're all in sync on that.

12 CHAIRPERSON MOULTON-PATTERSON: Do you want to --

13 BOARD MEMBER PAPARIAN: So what I'm doing is I'm  
14 moving Resolution 2004-98 revised and the dollar amount --  
15 make sure I get this right, Mr. Lee -- the dollar amount  
16 to fund this item is \$4,712,539.49.

17 DEPUTY DIRECTOR LEE: Yes. That's what I show in  
18 Revision Number 2, sir.

19 BOARD MEMBER PAPARIAN: And there's a new resolve  
20 clause that the Board intends to pursue, the additional  
21 funding as Ms. Carter described it, and that would be  
22 dependent on our actions later today and in the  
23 reallocation item.

24 BOARD MEMBER PEACE: Wouldn't it be easier to  
25 just go ahead and pass this the way it stands now without

1 doing the new resolve and totally address the new NOFA  
2 situation in Item 12?

3 CHIEF COUNSEL CARTER: Yes. We believe that  
4 would be a cleaner process.

5 BOARD MEMBER PAPARIAN: Okay. That's fine. So  
6 we're going back to the resolution as it is in our binder  
7 with the change being the amount that I suggested. We  
8 have separate direction from the Board on the independent  
9 review. And then we'll take up that last item in the  
10 context of Agenda Item 12. So I'm moving Resolution  
11 2004-98 revised with the dollar amount that I read.

12 BOARD MEMBER PEACE: Second.

13 CHAIRPERSON MOULTON-PATTERSON: We have a motion  
14 by Mr. Paparian, seconded by Ms. Peace, to approve  
15 resolution 2004-98 revised.

16 Please call the roll.

17 SECRETARY WADDELL: Paparian?

18 BOARD MEMBER PAPARIAN: Aye.

19 SECRETARY WADDELL: Peace?

20 BOARD MEMBER PEACE: Aye.

21 SECRETARY WADDELL: Washington?

22 BOARD MEMBER WASHINGTON: Aye.

23 SECRETARY WADDELL: Moulton-Patterson?

24 CHAIRPERSON MOULTON-PATTERSON: Aye.

25 The Board will now take a ten-minute break.



1 (Thereupon a recess was taken.)

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to call  
3 the meeting back to order, please. We're clear up to  
4 number 2. We're moving along with great speed.

5 Ms. Peace, do you have any ex partes?

6 BOARD MEMBER PEACE: Yes. I would like to ex  
7 parte Scott Smithline from Californians Against Waste, and  
8 I talked to him regarding Number 21, the Subtitle D regs.  
9 And also I would just like to say welcome to Martha  
10 Gildart, our former head of the Tire Division. It's nice  
11 to see you here. Welcome.

12 (Applause)

13 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

14 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.  
15 I spoke with Terry Leveille regarding Items 1 and 12.

16 CHAIRPERSON MOULTON-PATTERSON: And Mr.  
17 Washington.

18 BOARD MEMBER WASHINGTON: I'm up to date.

19 CHAIRPERSON MOULTON-PATTERSON: And I spoke with  
20 no one.

21 Number 2.

22 DEPUTY DIRECTOR SCHIAVO: Good morning. Pat  
23 Schiavo, Diversion, Planning, and Local Assistance  
24 Division. Item Number 2 is Consideration of the Biennial  
25 Review and SB 1066 Time Extension Processes. And Phil

1   Moralez will present this item.

2               MR. MORALEZ:   Good morning, Madam Chair and Board  
3   members.   This item is a continuation of Agenda Item 9  
4   heard at the April 13th-14th, 2004, board meeting.   For  
5   this reason, I will keep my comments brief, providing a  
6   summary of what was presented at this meeting and noting  
7   the changes outlined in this agenda item.

8               As noted in April, the purpose of this item to  
9   present the 2001-2002 proposed biennial review procedures.  
10   Staff recommends the Board adopt a procedure that allows  
11   staff to submit streamlined agenda items each month for  
12   several categories of biennial reviews results.

13              Generally, these categories place jurisdictions  
14   in one of the following groups.   One, jurisdictions  
15   adequately met the SRRE and HHWE program implementation  
16   and diversion rate requirements.   These jurisdictions were  
17   approved in the prior biennial review process and  
18   basically continued to move forward and progress in their  
19   specific jurisdiction.

20              Secondly, jurisdictions did not achieve the  
21   diversion requirement but demonstrated a good faith  
22   effort.   These jurisdictions are jurisdictions that were  
23   previously granted and approved by the Board for the and  
24   99-2000 biennial review and continue to meet the program  
25   implementation identified at that time.   So these are

1 jurisdictions that had been approved in the past and  
2 continue to show a good faith effort and implementation of  
3 programs.

4           Number three category is are jurisdictions that  
5 have adequately implemented their programs in their SB  
6 1066 time extension plan and have met the diversion  
7 requirements outlined. These jurisdictions are  
8 jurisdictions that have implemented all their programs  
9 identified in their time extensions and have met the  
10 diversion requirements. This was what we had recommended,  
11 but we also had recommended GFES which we have noted they  
12 will be brought forward to the Board separately.

13           In addition, staff proposes to consolidate or  
14 batch second SB 1066 requests. An agenda item for second  
15 time extensions will lay out why the jurisdictions are  
16 requesting additional time, any barriers they may have  
17 faced that impacted implementation, and staff's analysis  
18 of the request.

19           Staff proposed to prepare individual agenda items  
20 for the following situations:

21           One, when a jurisdiction has not met the  
22 diversion rate requirement or has not adequately  
23 implemented its SRRE or HHWE, when staff recommends that a  
24 jurisdiction be issued a compliance order in these  
25 circumstances.

1           For jurisdictions petitioning the Board for their  
2 first 1066 time extension.

3           For those jurisdictions when staff recommends  
4 additional programs or denial of a second SB 1066 time  
5 extension.

6           For those jurisdictions who petition for reduced  
7 rule diversion rates.

8           For those jurisdictions that request for a base  
9 year correction, new base year, and/or sludge petition.

10          And this is what's been added. When staff  
11 recommends a jurisdiction has adequately implemented its  
12 programs in its 1066 time extension plan of correction,  
13 but has not met the diversion requirement, but has  
14 demonstrated a good faith effort. This new category has  
15 been added from the previous agenda item based on the  
16 Board's input from the prior Board meeting.

17          Staff is proposing to commence the 01-02 biennial  
18 review cycle this June. Staff believes this proposed  
19 process will not only accelerated the 01-02 biennial  
20 review evaluation, but it also intended to free up staff  
21 time to provide additional technical assistance to  
22 jurisdictions. Staff recommends adoption of Resolution  
23 2004-92.

24          This concludes staff's presentation. Are there  
25 any questions?

1 CHAIRPERSON MOULTON-PATTERSON: Ms. Peace.

2 BOARD MEMBER PEACE: Where you're talking on  
3 page 2-5, Agenda Item Format, where you're going to be  
4 streamlining the agenda items, does this mean you're not  
5 going to have to print up all the backup information?

6 MR. MORALEZ: That's our intent. Yes.

7 BOARD MEMBER PEACE: How many pages is that going  
8 to save? How many trees?

9 MR. MORALEZ: Typically, if we just do a general  
10 evaluation, we look at between five to seven pages per  
11 jurisdiction. So if you're looking at 130, 200  
12 jurisdictions, you're looking at a lot of pages.

13 BOARD MEMBER PEACE: I think that's great that  
14 you're doing this.

15 Are you done? You're done, right. Because I  
16 just had one other question. I'm prepared to vote for  
17 your recommendation. But AB 939 required that  
18 jurisdictions got 50 percent by the year 2000. And it's  
19 now 2004, and diversion rates have actually dropped. So I  
20 just want to say I'll be looking at the time extensions  
21 and the ADRs very carefully.

22 And in considering these time extensions and the  
23 good faith efforts, I just want to make it clear that I  
24 will be looking at the jurisdictions to see if they have  
25 such things as a buy recycled content procurement policy.

1 Do they have a C&D ordinance? Because, to me, if they  
2 don't have these things that are easy to do, like those,  
3 then they're not really making a good faith effort. I  
4 just want to make it clear I'll be looking at those  
5 things.

6 So with that, I'm prepared to vote for staff's  
7 recommendation.

8 Does anybody else have any questions?

9 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian has  
10 a question.

11 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

12 I'm looking at the list on page 2-5, and I wonder  
13 if you can help me reconcile the Number 2 Item, did not  
14 achieve diversion rate requirements, but demonstrated a  
15 good faith effort. That's your recommendation that that  
16 would get the abbreviated format. I'm trying to reconcile  
17 that with the last bullet on the things that would get the  
18 full agenda item, which includes those that under certain  
19 circumstances hadn't met the 50 percent diversion  
20 requirement, but demonstrated a good faith effort.

21 MR. MORALES: Yeah. In regards to item the first  
22 bullet, Item 2, those are all jurisdictions that were  
23 previously approved by the Board under a good faith effort  
24 back in the 99-2000 biennial review process. And what  
25 we're saying here is they continue to do what we've done

1 in that process, if not do better.

2 In terms of the last bullet, those are new  
3 jurisdictions. These have not been reviewed or approved  
4 by the Board for a good faith effort. However, they were  
5 on a 1066 time extension to implement programs. And staff  
6 believes that they have successfully implemented those  
7 programs and should be considered by the Board for good  
8 faith effort, but would be brought to the Board separately  
9 for that.

10 BOARD MEMBER PAPARIAN: The ones on Item 2 hadn't  
11 had a 1066 time extension?

12 MR. MORALEZ: That's correct. These were  
13 approved on GFE in the 2000 biennial review process.

14 BOARD MEMBER PAPARIAN: How would someone know  
15 that from read thing agenda item? I'm not being  
16 facetious.

17 MR. MORALEZ: I understand that. I understand  
18 that. It's our -- if we're not noting these were  
19 previously approved jurisdictions, we made that  
20 assumption, and wrongfully so.

21 BOARD MEMBER PAPARIAN: So the Board had decided  
22 they were going --

23 MR. MORALEZ: Had granted them a GFE in the 2000  
24 biennial review process. And staff's review indicates  
25 that both by the initiation of their programs and

1 evaluation have continued to warrant the GFE --

2 BOARD MEMBER PAPARIAN: The good faith effort --

3 MR. MORALEZ: Right.

4 Now, there may be some that fall under the other  
5 categories where their programs have dropped and may ask  
6 for a second time extension. But that would be done  
7 separately under the individual item. Say, for example,  
8 the jurisdiction had been granted a GFE, for whatever  
9 reason significantly either dropped in terms of diversion  
10 or it was impact in programs and needed to do something  
11 else to improve. So they would come forward in a separate  
12 item requesting a time extension in that process.

13 BOARD MEMBER PAPARIAN: I think we're going to  
14 need -- this page 2-5 has the effect of a Board resolution  
15 because the Board resolution refers to this page as being  
16 the direction for the future in terms of what comes to the  
17 Board and whether it comes under an abbreviated format or  
18 non-abbreviated format. So, to me, it's important that we  
19 get the language right so that someone looking in a year  
20 or two can't argue that, you know, anything that  
21 demonstrates a good faith effort gets the abbreviated  
22 format.

23 CHAIRPERSON MOULTON-PATTERSON: I couldn't agree  
24 with you more, Mr. Paparian.

25 BOARD MEMBER PAPARIAN: So I'm not sure if you



1 want to do that. I don't think we can do that here from  
2 the dias. I'm not sure if you want do that here today or  
3 put it off a month.

4 MR. MORALEZ: You want us to rewrite the  
5 resolution to reflect that? Is that what you're asking,  
6 Mr. Paparian?

7 DEPUTY DIRECTOR SCHIAVO: You can add language in  
8 that. Under Number 2 we can add the Board has previously  
9 approved these jurisdictions in the 1999-2000 biennial  
10 review process and clarify that one particular item. That  
11 should resolve it.

12 BOARD MEMBER PAPARIAN: Or we may need to move  
13 this stuff to the resolution so it's clear in the record,  
14 because you're going to have to go back and change the  
15 resolution in BODS or change the agenda item in BODS in  
16 order to --

17 DEPUTY DIRECTOR SCHIAVO: We can go ahead and do  
18 that. It would be a pretty quick process just to add that  
19 language in. And then the resolution still refers back to  
20 this, so we wouldn't have to change the resolution. But  
21 we just change the reference on number two to request that  
22 the Board previously approved this during the 2000  
23 biennial review process.

24 BOARD MEMBER PAPARIAN: And they were  
25 demonstrating a good faith effort and no notable

1 abbreviation from the good faith effort that the Board had  
2 previously approved.

3 CHAIRPERSON MOULTON-PATTERSON: So you can do  
4 that today? I mean --

5 BOARD MEMBER PAPARIAN: I'm thinking --

6 DEPUTY DIRECTOR SCHIAVO: I'm not sure legally if  
7 it's -- I know we can change resolutions. Sometimes the  
8 Board takes a vote and we do the resolution to reflect  
9 what the Board has conveyed to us. I don't know if that's  
10 the same in this particular case.

11 CHIEF COUNSEL CARTER: I'm going to ask Mr. Block  
12 to address this issue.

13 STAFF COUNSEL BLOCK: Elliot Block with the Legal  
14 Office. It's really up to the Board in terms of how you  
15 want that to look clearer. We can do either of the ways  
16 that have been mentioned. We can -- if there's some  
17 concern that it be clearer from the resolution, stand  
18 alone, one of the things we can do is simply revise this  
19 page, the important part of this page as has been  
20 mentioned, assuming that's sufficient for the Board, and  
21 we'll add some language to the resolution expressly  
22 incorporating that language by reference. And that way  
23 the resolution stands alone and has all the language that  
24 you're concerned with.

25 CHAIRPERSON MOULTON-PATTERSON: I'd feel more

1 comfortable if you brought it back and we can see it. In  
2 fact, some of these if there's -- I'm going to tell you  
3 right now if there's problems, I'm going to say let's  
4 continue it until we have a full Board. And this is  
5 unclear to me, so bring it back.

6 BOARD MEMBER PEACE: Is there any way we can go  
7 and make the changes and bring it back today, because  
8 we've already brought this back for --

9 CHAIRPERSON MOULTON-PATTERSON: Well, I want to  
10 see it.

11 BOARD MEMBER PEACE: Can they go ahead -- you  
12 said they were easy to make. Can you do those and bring  
13 those back so we can vote on it today and get on with  
14 this?

15 CHAIRPERSON MOULTON-PATTERSON: After lunch then.

16 DEPUTY DIRECTOR SCHIAVO: We can do that.

17 CHAIRPERSON MOULTON-PATTERSON: Okay. We're on  
18 new business finally. Thank you.

19 Number 3 was pulled from consent, and Ms. Packard  
20 will be introducing this. This is Consideration of  
21 Delegation of Authority to the Executive Director to  
22 Disburse Funding for Entitlement Grant Programs.

23 Ms. Packard.

24 POLICY OFFICE ASSISTANT DIRECTOR PACKARD: Thank  
25 you, Madam Chair. Good morning, Board members. Rubia

1 Packard with the Policy Office.

2           In case you're wondering why I'm doing this item,  
3 this is part of the work that was done by the Grants  
4 Policy Analysis and Documentation Team that the Board  
5 through the Grants Executive Oversight Committee  
6 commissioned last year to take a look at all of the  
7 Board's grant policies and procedures and identify areas  
8 needing policy or procedural decision or clarification,  
9 streamlining, et cetera. So this is part of the work that  
10 was done by the Grants Team and is one of our efforts to  
11 provide the Board with staff recommendations and  
12 suggestions for improving or streamlining internal  
13 processes.

14           This item proposes that pursuant to his  
15 delegation of authority, the Executive Director be  
16 authorized to disburse used oil block grant funding,  
17 thereby exempting the used oil block grant from providing  
18 an agenda item for its award. This delegation would  
19 result in disbursement of grant funds in a timelier  
20 manner, savings in staff time, and not having to prepare  
21 and present an agenda item, savings in Board time in not  
22 having to hear the item, and consistency in the Board's  
23 entitlement grant funding procedures.

24           And the basis for this action is that the used  
25 oil block grants are entitlement grants and the Board --

1 the requirements for how those grants are funded are set  
2 in statute and regulation and are not discretionary on the  
3 part of the board.

4           This is just a streamlining process. Our  
5 proposal is that this delegation of authority go to the  
6 Executive Director along with his existing delegation of  
7 authority. And again, we are trying to review the  
8 structure and funding of our programs in order to be as  
9 efficient as possible and provide the maximum value in  
10 Board meetings. Information regarding the award of these  
11 used oil block grant funds would be made available to the  
12 public if the Board adopts this delegation of authority,  
13 would be made available to the public through the  
14 Executive Director's monthly report to the Board, as well  
15 as through a press release issued by the Public Affairs  
16 Office so everyone would be notified of when these awards  
17 are made.

18           So with that, the options for the Board are to  
19 approve the delegation of authority to the Executive  
20 Director to disburse funding for the used oil recycling  
21 block grant program or take no action. Staff  
22 recommendation is that staff recommends Board approval of  
23 Option 1 and adoption of Resolution Number 2004-131. And  
24 I can answer any questions.

25           CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian,

1 questions.

2 BOARD MEMBER PAPARIAN: Yeah. A couple things.

3 I'm trying to understand what's discretionary and not  
4 discretionary in the context of this program. As I read  
5 the statute, the statute says there should be at least \$10  
6 million allocated for this purpose. And it's very  
7 specific as to how it gets allocated to the local  
8 jurisdictions. But it also has a provision that if  
9 it's -- if we don't spend all the money in some  
10 discretionary areas or in some other areas, that money  
11 could get rolled over and added to the \$10 million.

12 So what I'm wondering is, how much of this is  
13 really set in statute in terms of the additions above \$10  
14 million? And how much becomes somewhat discretionary,  
15 because it's dependant on how much we spend in other  
16 discretionary areas? And if it's got some discretionary  
17 components to it, then I'm not comfortable in granting  
18 this authority. I'm not sure who I'm looking at to answer  
19 this question.

20 MS. PACKARD: I'm hoping you're looking at Marie,  
21 because I think Marie can do a better job of answering  
22 that than I can.

23 DEPUTY DIRECTOR LEE: Let me take a first cut at  
24 this. Like I said, Mr. Paparian, my understanding is on  
25 the block grant the number is a minimum of 10 million, but

1 it can go more than that, again, depending on how much is  
2 in the fund. You know, it can't be more than \$10 million.  
3 But the amount that's over and above that is not a  
4 discretionary amount. I mean, if we don't get the money  
5 on the street with the other competitive grant programs,  
6 then there's more available the next year for allocation  
7 as part of the block grant program. But it's still -- the  
8 bond grant money is still distributed pursuant to the  
9 statutory directive that it's on a per capita basis. So I  
10 don't see that discretionary component that's involved  
11 with the block grant.

12 BOARD MEMBER PAPARIAN: But is the amount above  
13 \$10 million dependent on discretionary action? I mean, is  
14 everything on auto pilot, everything is set, and we don't  
15 have any discretion in those other areas that would add up  
16 above \$10 million?

17 DEPUTY DIRECTOR LEE: I guess I've exhausted my  
18 understanding of that situation. I think that's probably  
19 something -- I think our Admin Chief is here or somebody  
20 from the Budget Office. Maybe we can hold --

21 CHIEF COUNSEL CARTER: Marie Carter.

22 As to my understanding of the practice, according  
23 to the statute, a certain amount of money is to be  
24 provided through the block grant. That's the entitlement  
25 money. Through formula it's distributed among the

1 recipients. The discretionary amount are amounts that are  
2 used to fund other used oil grant programs which  
3 include -- none of them are coming to mind right now, but  
4 those are your standard used oil discretionary grants.

5           The Board approves those as to the funding level,  
6 the criteria. These are competitive grants. And so the  
7 Board sees those, and offerings are made, and money is  
8 distributed. If any money remains from those funds for  
9 those competitive grants, it rolls over to the next year's  
10 block grant funding. So the block grant funding is  
11 non-discretionary in the sense that the formula is static  
12 and the amount is at least \$10 million. But no money is  
13 lost to the grantee of the entitlement grants because it  
14 rolls over to the next year if the money is available from  
15 the competitive grants.

16           SUPERVISOR CORNWALL: Bonnie Cornwall, Manager in  
17 Used Oil Program.

18           And let me clarify, first, that when you look at  
19 the used oil fund, there's a two-stage process in terms of  
20 dividing up the money. And that's what the statute  
21 stipulates. So the first time the money is divided up,  
22 you look at the total amount in the fund. You take 10  
23 million, or half of the fund, whichever is greater, and  
24 you take that away. Then you take away the contingency  
25 reserve of a million dollars. Take that off the top. You



1 take some administration for the fund that comes to the  
2 Board off the top and what you estimate to be the payments  
3 for the recycling incentives.

4           So you take all of that off the top, including  
5 the block grant. So that decision is made initially based  
6 on how much is in the fund. Then with the money that's  
7 remaining, statute stipulates that we can spend it on  
8 information and education program, on the other used oil  
9 block grant programs, the opportunity grant, nonprofit  
10 grant, and the research and development, and for payments  
11 related to contaminated oil.

12           Each year the program comes to the Board with  
13 what's called our allocation item. And in that allocation  
14 item, you would see where everything is going. And with  
15 the money that's remaining, that's what we make proposal  
16 to you about our contract concepts and the other small  
17 projects that we do, the money that goes to the Buy  
18 Recycled Trade Show, to education, et cetera.

19           So just in summary, it's in a two-stage process.  
20 And the amount available for the block grant program is  
21 really dependent on how much is in the fund. So that  
22 decision is made separately and has -- the decision about  
23 how much money goes to the block grant has a bearing on  
24 the other competitive grants, but not vice versa.

25           BOARD MEMBER PAPARIAN: So if we don't spend all

1 the money in other categories, it doesn't get put into the  
2 entitlement grant?

3           SUPERVISOR CORNWALL: Well, the block grant  
4 expenditures are made first. And usually there's just a  
5 small tiny amount left that those jurisdictions don't  
6 apply for that. And that stays in the fund. But the  
7 allocation is made for the other grant programs based on  
8 the total amount. So any slight amount that remains stays  
9 in the fund and would be used next year. But it's very  
10 small. It does not then go -- because the decision is  
11 made up front.

12           BOARD MEMBER PAPARIAN: But the formula -- the  
13 amount that gets made available for these block grants, as  
14 I read the statute, depends on how much is left -- it  
15 depends on at least \$10 million or 10 million plus what's  
16 left over from not having been spent in a couple of other  
17 categories.

18           SUPERVISOR CORNWALL: No. It's not what's been  
19 left over. But the total amount that is available in the  
20 fund itself at a certain point in time.

21           BOARD MEMBER PAPARIAN: So that total amount  
22 would depend on how much we've spent in all the other  
23 categories? So if half that total amount is --

24           SUPERVISOR CORNWALL: Well, if you roll it from  
25 one year to the next, I guess the distinction is you lay

1 aside the money for the block grant first. And then if  
2 the other programs don't use all their money, then there  
3 would be more money in the pot for the next year when you  
4 do the block grants. It's done on an annual basis.

5 BOARD MEMBER PAPARIAN: So if there's money left  
6 at the end of the year, then that gets rolled into the pot  
7 for the following year, and that increases the amount  
8 available for these block grants?

9 DEPUTY DIRECTOR LEE: That's true in the  
10 following year.

11 SUPERVISOR CORNWALL: But there's not a  
12 reallocation item as there is in tires. We don't  
13 reallocate at the end of the year, because the money stays  
14 in this fund. And it's reachable, if you will, to us in  
15 the next year.

16 BOARD MEMBER PAPARIAN: But if we don't  
17 reallocate it for some of these other purposes related to  
18 used oil, then it gets locked up into these enforcement  
19 items?

20 SUPERVISOR CORNWALL: No.

21 BOARD MEMBER PAPARIAN: For these block grants.  
22 No?

23 SUPERVISOR CORNWALL: Well, it's in the total  
24 available in the following year.

25 SUPERVISOR PACKARD: It's not directed

1 specifically to the used oil, I think is what she's  
2 saying. It just makes the pot that you start with the  
3 following year to make all of your allocations bigger.

4 BOARD MEMBER PAPARIAN: Right. And then so the  
5 amount available for these entitlement grants is bigger  
6 the following year, because we didn't spend as much the  
7 previous year.

8 SUPERVISOR CORNWALL: Theoretically, if the  
9 payments from the oil companies are greater. I mean, the  
10 basic gist of the fund is the money the oil companies pays  
11 for the lubricating oil. And so if that amount is less,  
12 then the fund in the next year might be less. In any  
13 given year, the total amount available in the fund depends  
14 on oil industry essentially, how much money would be in  
15 the fund. There's not a fixed amount in the fund itself.

16 MS. PACKARD: So it could be more. It could be  
17 less. It could be approximately the same, depending on  
18 other factors, like money paid into the fund.

19 BOARD MEMBER PAPARIAN: But some of that is  
20 dependent on how much we spend in some of the other  
21 categories, or are you saying it's not? Do those other  
22 categories get the money set aside from one fiscal year to  
23 the next?

24 DEPUTY DIRECTOR LEE: Even the competitive grant  
25 programs, Mr. Paparian, have some statutory basis. You

1 know, and I think if the question you're asking is if we  
2 put out one of our competitive grant programs and it's  
3 undersubscribed, what happens to the money that's not  
4 spent in those competitive grant programs? If that's the  
5 gist of your question, that money basically goes back into  
6 the fund for redistribution in the following year. And so  
7 under that circumstance, the block grants would get more  
8 the following year than they got in this year.

9 BOARD MEMBER PAPARIAN: In some of those  
10 categories like the education category, is there some  
11 discretion like we have with the tire funds that we're  
12 looking at later today?

13 DEPUTY DIRECTOR LEE: Yes. You do have  
14 discretion on those items. I think as Bonnie mentioned,  
15 on the education items, those are part of the budget that  
16 is discretionary. And we come to the Board annually with  
17 our allocation item to basically request the Board's  
18 approval of various contract concepts to utilize that  
19 portion of the fund that is discretionary.

20 BOARD MEMBER PAPARIAN: But then by not  
21 reallocating items at the end of the fiscal year, what we  
22 do it seems is then we lock it up for the following fiscal  
23 year.

24 SUPERVISOR CORNWALL: Well, the next cycle of the  
25 grants -- the competitive grants -- I mean, we're giving

1 out grant funding throughout the year. And the amount --  
2 we reach 92 percent of the population of the state is  
3 covered by the block grants. There's only a few very  
4 small communities that aren't coming in for the block  
5 grant. So 92 percent of the population is being served by  
6 the entitlement program. And that's what it's basically  
7 been in the past couple years.

8 BOARD MEMBER PAPARIAN: How big -- what we're  
9 suggesting here is not having this come to the Board for  
10 the allocation of this 10 or 11 million, whatever the  
11 amount it is. How much effort is it really to put those  
12 agenda items together related to this grant? I'm  
13 wondering how much we really need to do this, really need  
14 to take this off the Board's agenda.

15 SUPERVISOR CORNWALL: One of the purposes of this  
16 item is to look at consistency in streamlining in the  
17 Board's programs as was directed by the Board. And this  
18 is the first recommendation to come out of the Grant's  
19 Policy and Analysis Documentation Team. So we're looking  
20 for consistency in the practices. Even the award item as  
21 it is now, you don't reallocate the slight remainder  
22 that's left. So that process wouldn't really be impacted.  
23 And, you know, you're right. You have to ask exactly how  
24 many hours of staff work does it take to come to the  
25 Board?

1           DEPUTY DIRECTOR LEE: I guess our position on  
2 that --

3           CHAIRPERSON MOULTON-PATTERSON: Well, I want to  
4 get to the bottom of that. How much does it?

5           SUPERVISOR CORNWALL: This particular item, there  
6 are many, many revisions. I don't know if you remember  
7 from years past, because what happens is that the grantees  
8 or the local jurisdictions are turning in their  
9 application. But if they have outstanding debts to the  
10 Board, if their reports aren't in, et cetera, then we're  
11 consistently revising the item. So those communities that  
12 have to wait until all the rest of them come in, you know,  
13 there can be a lag time of a couple of months in terms of  
14 when the jurisdictions get their funding.

15           Our hope with this program is that we provide  
16 continual funding at the local level for them to manage  
17 the used oil program. So if there is a gap of funding of  
18 a month or something, that can be problematic at the local  
19 level.

20           MS. PACKARD: Can I just ask --

21           BOARD MEMBER PEACE: Are these grants -- this is  
22 just an administrative exercise. There's no discretionary  
23 action here.

24           SUPERVISOR CORNWALL: Correct.

25           MS. PACKARD: I think that's the clarification I

1 want to make.

2 And, Bonnie, please correct me if I'm wrong.

3 My understanding is the Board allocates to the  
4 different categories the entire pot. And then this action  
5 will take the pot that the Board has allocated that goes  
6 to the used oil block grant and use the formula in statute  
7 to allocate it. So that's the piece that we're talking  
8 about. We're not taking about taking away the Board's  
9 authority to allocate the funds to the different  
10 categories of activities in the used oil fund. That is  
11 not what this is referring to. It's just once the Board  
12 decides how much money, 10 million, or there's a little  
13 bit more or a little bit less, however how much it is,  
14 then you use the formula in the statutes and regs to  
15 allocate it per capita, that's the portion that would not  
16 come to the Board for approval again, because it's  
17 statutory and therefore non-discretionary.

18 CHAIRPERSON MOULTON-PATTERSON: I think I  
19 understand better now. This is just -- you know, in  
20 memory of Danny Eaton, we have to flush this out and make  
21 sure the Board is not giving away any of its authority.  
22 And, to me, you're saying we're not.

23 SUPERVISOR CORNWALL: No.

24 MS. PACKARD: That's correct.

25 CHAIRPERSON MOULTON-PATTERSON: So I don't have a



1 problem with it.

2 But Mr. Paparian -- oh, I guess Ms. Peace wants  
3 to speak.

4 BOARD MEMBER PEACE: I was just going to say this  
5 is the kind of streamlining and paper reducing things I  
6 want to see. If this can give staff more time to do more  
7 important things than just this administrative paper  
8 shuffling, this is a good thing. This is what I want to  
9 see.

10 And with that, I would like to move Resolution  
11 2004-131, Consideration of Delegation of Authority to the  
12 Executive Director to Disburse Funding for Entitlement  
13 Grant Program.

14 CHAIRPERSON MOULTON-PATTERSON: I'll second.

15 Did you have any more questions, Mr. Paparian,  
16 before we vote?

17 BOARD MEMBER PAPARIAN: So we're going to see the  
18 total dollars before they go in and are made available.  
19 We'll be voting on -- in the future the Board will see an  
20 agenda item on all the used oil items?

21 MS. PACKARD: That's the allocation item. Yes,  
22 sir.

23 BOARD MEMBER PAPARIAN: And then presumably  
24 anything over the 10 million minimum statutory, the  
25 Executive Director will let us know why we're over -- why

1 we're seeing money over 10 million. That would be left  
2 over money from the discretionary item. That's --

3 SUPERVISOR CORNWALL: Let me just clarify that  
4 again. We don't make a decision exactly on, you know,  
5 whether it's going to be -- we don't have discretion to  
6 make the decision. The formula is run based on  
7 population. And there's a -- so you run the formula based  
8 on per person population, and then you add to that minimum  
9 for each city and county.

10 BOARD MEMBER PAPARIAN: But the amount of money  
11 that you start with that you put into the formula is  
12 dependant on how much money the Board spent in  
13 discretionary and non-discretionary items the year before.  
14 So what we do with discretionary money the year before  
15 affects how much you have available to allocate.

16 SUPERVISOR PACKARD: And then it comes to the  
17 Board for allocation in the following year. It makes the  
18 pot you start with bigger when the allocation item comes  
19 to you the following year. The pot is bigger. You decide  
20 where different pieces go in the discretionary part.

21 SUPERVISOR CORNWALL: I would think that has  
22 really less impact on the total amount of money than how  
23 the industry and the economy of the state is doing and how  
24 much lubricating oil is being sold. That's what's really  
25 determining how much money is available in the fund. So

1 it's not the \$200,000 that gets rolled over or that we use  
2 our discretion -- you use your discretion, rather, in  
3 funding various projects, but it's much money comes into  
4 the fund from the oil companies.

5 BOARD MEMBER PAPARIAN: In the past when we've  
6 given out this money, we've put certain requirements on  
7 the grants, like submittals of applications by certain  
8 dates, reports within certain time frames, and so forth.  
9 Are we giving up that?

10 SUPERVISOR CORNWALL: No. Those same  
11 requirements will apply. We run the formula. We  
12 determine how much each jurisdiction would get. That's  
13 sent out to them. They're advised how much money is  
14 available. They submit to us an application, one-page,  
15 saying, yeah, we want the money. And then we hold on to  
16 that until they met those very same conditions. We would  
17 handle that administratively.

18 BOARD MEMBER PAPARIAN: There were big issues in  
19 the past, and the Chair and myself were part of those  
20 discussions where we instituted certain requirements for  
21 reporting, for accounting for the money, and so forth.

22 SUPERVISOR CORNWALL: And those are still  
23 retained, because that has been your policy and direction  
24 to us in making the award.

25 BOARD MEMBER PAPARIAN: If we pass this

1 resolution and you wanted it then to change those  
2 requirements, would that be a Board action or would that  
3 have been delegated to the staff?

4 SUPERVISOR CORNWALL: Yes. It would be a Board  
5 action.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you.

7 Please call the roll.

8 SECRETARY WADDELL: Paparian?

9 BOARD MEMBER PAPARIAN: Aye.

10 SECRETARY WADDELL: Peace?

11 BOARD MEMBER PEACE: Aye.

12 SECRETARY WADDELL: Washington?

13 BOARD MEMBER WASHINGTON: Aye.

14 SECRETARY WADDELL: Moulton-Patterson?

15 CHAIRPERSON MOULTON-PATTERSON: Aye.

16 Number 4, Consideration of the Adoption of the  
17 Proposed Regulations for Waste and Used Tire Haulers.

18 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

19 Item 4 is Consideration of Adoption of the  
20 Proposed Regulations for Waste and Used Tire Haulers.

21 Tom Micka will make the staff presentation.

22 MR. MICKA: Good morning, Madam Chair and members  
23 of the Board. My name is Tom Micka.

24 At least month's Board meeting, the Board  
25 directed staff to go out for a 15-day comment period for

1 some additional proposed changes amending the existing  
2 waste tire hauler registration and manifesting  
3 regulations. In addition, the Board directed staff to  
4 bring this regulatory package back to the May Board  
5 meeting with recommendation that the Board adopt the  
6 proposed regulations so long as no further substantive  
7 changes are required.

8           The 15-day comment period ran from April 20th to  
9 May 5th. Copies of the proposed changes for the 15-day  
10 comment period are available on the back table.

11           Staff has considered the one comment letter  
12 received, even though it arrived after the close of the  
13 comment period. Based on one of the two comments in the  
14 letter, staff is proposing to change Section 18460.2(j) to  
15 18460.2(i)(1). Staff does not consider this to be a  
16 substantive change requiring another comment period.

17           Staff believes that this regulatory package will  
18 not have a significant affect on the environment and that  
19 this package qualifies for categorical exemption which  
20 encompasses actions by regulatory agencies for protection  
21 of the environment. At the Board's direction, staff will  
22 file a Notice of Exemption with the Governor's Office of  
23 Planning and Research.

24           Staff now requests that the Board adopt  
25 Resolution 2004-132 adopting the proposed changes to the

1 regulations and making a finding that the proposed changes  
2 qualify for a categorical exemption under the California  
3 Environmental Quality Act.

4 This concludes staff's presentation.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. I see no  
6 questions. We have no speakers.

7 Ms. Peace.

8 BOARD MEMBER PEACE: Well, I just had a couple  
9 comments. One in the penalty table, I was still concerned  
10 about the fact that in PRC 42961-5 that you have 100 to  
11 \$500 penalty here for missing information and incomplete  
12 information. And I've seen those forms, and those are  
13 complicated. So I just want to make sure that -- I mean,  
14 I give staff direction that before we go giving these  
15 fines -- I think they already told me that they did, but I  
16 want to make sure on the record that before we go giving  
17 these fines for a first offense, that these people are,  
18 you know, told how to do it and, you know, shown what to  
19 do before we just go slapping a fine, these stiff fines.  
20 So I assume we will be making some changes to the manifest  
21 system, and hopefully that will make these forms a lot  
22 easier to fill out.

23 One more thing, we'll go ahead and approve these  
24 today, I guess, if nobody has any other questions. But I  
25 do want to assure the tire industry that we will be making

1 any needed changes to these regulations in the near future  
2 as the manifest system is simplified. If there are  
3 changes that need to be made, that we will be making  
4 those.

5 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

6 BOARD MEMBER WASHINGTON: Just before we approve  
7 it, how did you come up with the Amnesty Day for the Tire  
8 Amnesty program? The number of tires 20, how did you come  
9 up with that number? I was trying to read through the  
10 staff's proposal to figure out where number 20 came from.  
11 Anyone have any -- if you guys threw up a nickle and heads  
12 is was 20 and tails it was 10, I mean --

13 WASTE TIRE MANAGEMENT MANAGER DIER: Don Dier  
14 with the Waste Management Tire Program.

15 That number is just a commercially viable number.  
16 And we looked at the range of tires that are hauled on  
17 those types of events, and that it was a reasonable  
18 amount.

19 BOARD MEMBER WASHINGTON: The number 20 came up,  
20 and I was like, how did they come up with the number? I  
21 thought maybe something had occurred or something.

22 WASTE TIRE MANAGEMENT MANAGER DIER: No.

23 CHAIRPERSON MOULTON-PATTERSON: Okay.

24 DEPUTY DIRECTOR LEE: Madam Chair, may I just  
25 respond to Ms. Peace's comments with regards to some

1 additional clarification? It is staff's intent basically  
2 to undertake an educational effort, you know, with the  
3 haulers and the generators and the end users again before  
4 we go into the enforcement mode. I think our current  
5 practice has shown that. Again, we want, you know,  
6 cooperation of all of the people that must participate in  
7 the manifest program. And we realize that a good  
8 education program is the foundation for that.

9           On the other hand, we need the regulations to  
10 ensure that those discharge -- those regulators,  
11 generators, haulers, end users that aren't being  
12 cooperative and, you know, resist our best efforts, that  
13 we have some mechanism, you know, to ensure their  
14 compliance.

15           CHAIRPERSON MOULTON-PATTERSON: I'm glad you  
16 mentioned that, Mr. Lee, because I feel in the past we've  
17 been criticized for not fining. And, you know, I don't  
18 think this Board has gone around giving too many fines.

19           So did you want to make a motion on this, Ms.  
20 Peace?

21           BOARD MEMBER PEACE: With that, I'd like to go  
22 ahead and move Resolution Number 2004-132, revised,  
23 Consideration of the Adoption of Revisions to the Existing  
24 Waste Tire Hauler Registration and Manifesting Regulation.

25           BOARD MEMBER PAPARIAN: Second.



1           CHAIRPERSON MOULTON-PATTERSON: Without  
2 objection, we'll substitute the previous roll call.

3           Let's go on to Number 5.

4           DEPUTY DIRECTOR LEE: Item 5 is Consideration of  
5 Grant Awards for the Local Government Waste Tire Cleanup  
6 Grant Program for Fiscal Year 2003-2004. Diane Nordstrom  
7 will make the staff presentation.

8           MS. NORDSTROM: Good morning, Madam Chair and  
9 members of the Board.

10           The item before you is the Consideration of the  
11 Grant Awards for the Local Government Waste Tire Cleanup  
12 Grant Program for Fiscal Year 2003-2004. The Local  
13 Government Waste Tire Cleanup Grant Program provides grant  
14 funding to local jurisdictions to clean up illegally  
15 dumped tires. This will be the seventh year the Board has  
16 provided funding for this program.

17           The Board has allocated \$800,000 for this fiscal  
18 year. The maximum amount of funding for each site is  
19 \$50,000 and up to 200,000 for each applicant. The NOFA  
20 and application were sent to local governments and Indian  
21 tribes. The application included an affidavit for private  
22 property owners with more than 500 tires on their property  
23 to sign under perjury that they were not responsible for  
24 the tires being disposed of on their property.

25           Board staff received 14 applications by the

1 March 15th, 2004, deadline. Of these applications, one  
2 was disqualified because it was submitted by private  
3 entity. A second application was withdrawn by the  
4 applicant. And the remaining 12 applications were  
5 reviewed and ranked using the existing priority ranking  
6 criteria that was approved by the Board at the September  
7 2002 meeting.

8 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington,  
9 did you have a question?

10 BOARD MEMBER WASHINGTON: Yeah. I want to wait.

11 CHAIRPERSON MOULTON-PATTERSON: You want to wait.

12 Okay. Continue.

13 MS. NORDSTROM: The 12 jurisdictions that are  
14 recommended for grant awards are the city of Victorville,  
15 Los Angeles County, the city of Hawthorne, the city of El  
16 Centro, the city of Fresno, Calavaras County, Siskiyou  
17 County, Salinas Valley Solid Waste Authority, Alameda  
18 County, Marin County, Quechan Indian Tribe, and the Cahto  
19 Tribe of Laytonville.

20 The total grant award being requested for the  
21 grant cycle is \$608,970.40 out of the \$696,684 remaining  
22 from this fiscal year's allocation.

23 Three of the applicants were required to submit  
24 affidavits for sites that are being proposed for clean up.  
25 The affidavits for the sites to be cleaned up by the

1 Los Angeles County determined that the decreased property  
2 owners for the two sites were responsible for the tires  
3 being disposed on the properties, and in one case, on  
4 adjacent properties. Legal staff is requesting that the  
5 Board pursue cost recovery for grant funds expended on the  
6 clean up of these two sites.

7           The affidavit for the site to be cleaned up by  
8 Siskiyou County determined that the property owner was  
9 responsible for 20 percent of the tires that were dumped  
10 on his property and the remaining tires were illegally  
11 dumped on his property. The property owner is currently  
12 removing 20 percent of the tires, and therefore cost  
13 recovery is not recommended for this site.

14           Marin County submitted affidavits for two sites  
15 that are being cleaned up, and it was determined that the  
16 property owners are not responsible, and therefore cost  
17 recovery is not recommended for these two sites.

18           The Board has been provided a handout with  
19 detailed project descriptions for each applicant. The  
20 cost per tire varies greatly due to the number of tires to  
21 be removed, the location of the tires, the final end use,  
22 and the amount of labor required to remove the tires.

23           Staff recommends adoption of Resolution 2004-133  
24 to approve the award of \$608,970.40 to the applicants of  
25 the Local Waste Tire Cleanup Grant Program for fiscal year

1 2003-2004. This concludes my presentation.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you.

3 We have Mr. Washington, then Ms. Peace.

4 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

5 I think it was Ms. Peace some time go raised this  
6 concern that I'm going raise about the cost per tire. And  
7 I thought that staff said they would get back to her on  
8 ways that we can make this more cost effective and  
9 efficient and most economically in terms of -- especially  
10 those that have non-cost recovery with them, in the sense  
11 that we go outside the box and look at perhaps  
12 community-based organizations, volunteer, supervise. I  
13 know in the state they have programs where they send out  
14 juveniles and other prisoners who go out and clean the  
15 side of the freeway.

16 Have you guys done anything in terms of looking  
17 at reducing the amount of costs on these piles of tires?  
18 And anyone can answer this, whoever wants to answer it.  
19 Because I know it was raised before that we need to look  
20 at ways of making this more economic for this Board. Has  
21 anything been done?

22 MS. NORDSTROM: Yeah. Actually, on three of the  
23 applicants, we significantly reduced the amount of the  
24 awards because we thought the costs were excessive. And  
25 one of them, Marin County in particular, is high in cost

1 because they're actually embedded in a river bank, so the  
2 labor costs are a lot higher than they would be for a  
3 typical clean up.

4 BOARD MEMBER WASHINGTON: Stay right there for a  
5 second, because I think that could be one that we could  
6 work with some state agencies on having individuals who  
7 we're feeding every single day, the amount of money we pay  
8 for prisoners and those who are in our prison system to be  
9 going and doing that type of work for us and extrapolate  
10 those tires in those particular areas. I guess I'm  
11 suggesting to you that if we go a little further in  
12 looking out of the box and trying to determine how we can  
13 really use state services as well as volunteers to help us  
14 on these programs.

15 MS. NORDSTROM: Some of them do use prisoner  
16 volunteers, but it kind of depends on the area and what's  
17 available. Marin County is using the Conservation Corps  
18 to clean it up at one of the sites. But the other one is  
19 so remote and the logistics of supervising prisoners and  
20 stuff like that.

21 BOARD MEMBER WASHINGTON: And I just used that  
22 one, but I'm just thinking of any type of way.

23 MS. NORDSTROM: But there are some that do use  
24 volunteers and prisoner crews because they are very cost  
25 effective.

1 BOARD MEMBER WASHINGTON: Other question I have  
2 for you in terms of when they submit these applications  
3 for these funding, do you require them to submit an  
4 estimated cost of how much it's going to cost for these?

5 MS. NORDSTROM: Yeah. They need to submit an  
6 estimate from a hauler on the cost per tire. And then  
7 it's more discretionary on what personnel costs, like the  
8 ones that I reduced the amounts. I thought they were  
9 excessive in their oversight of the cleanup.

10 BOARD MEMBER WASHINGTON: And Mr. Leary or  
11 Ms. Nauman, anyone who wants to, I will work with you.  
12 Because I think a part of that -- I don't know if that has  
13 to come back before the Board as they submit their bids  
14 for this. A part of that, maybe we can require that they  
15 have a 5 percent, something -- and I'm just thinking out  
16 so you guys kind of know where I'm going with this.  
17 They're required at least 5 percent of the volunteer  
18 services used for this. I don't know how that works out.

19 And again we can take a look at what makes sense  
20 with this. But I'm thinking of the economics of this that  
21 there should be some type of way that they can go out and  
22 elicit help rather than just saying we need this amount of  
23 money, especially for the non-recovery programs in those  
24 local governments. And we really need them to give us  
25 some ways with the volunteer Boys and Girls Clubs or some

1 type of way as a program where they have some type of  
2 incentive to receive grants and helping us out with the  
3 cost on this stuff. This is extremely high.

4 DEPUTY DIRECTOR LEE: Mr. Washington, again, we  
5 come to the Board every year again with a criteria item.  
6 If it is the direction of the Board, you know, we can  
7 include some cost effective criteria. Like I said, as  
8 long as the Board understands, there's a lot of  
9 variability as we pointed out here in the cost of these  
10 cleanups. So, you know, trying to choose that appropriate  
11 level, you know, obviously is going to be somewhat of a  
12 subjective undertaking. But again, if it is the direction  
13 of the Board, we can --

14 BOARD MEMBER WASHINGTON: And you have to do it  
15 on an individual basis.

16 DEPUTY DIRECTOR LEE: -- include as a criteria on  
17 the next grant cycle.

18 BOARD MEMBER WASHINGTON: You have to do it on an  
19 individual basis.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
21 Washington.

22 Ms. Peace.

23 BOARD MEMBER PEACE: That's something we should  
24 look at to see if the locals are doing everything they can  
25 to cut cost, whether it's using the juvenile delinquents

1 that have been asked to put in community service or  
2 something like that. That's something the locals, you'd  
3 think, would be looking at.

4 When it comes to cost per tire, though, that Mr.  
5 Washington was referring to, I believe my question in that  
6 regard was to our track grants. When I was looking at one  
7 grant, it was \$30 a tire. For another one it was \$10 a  
8 tire. And my question was why there was such a difference  
9 in the track grants.

10 One other question I had on this item was the  
11 County of Marin. Since the property owner for one of the  
12 sites signed an affidavit stating that the tires were a  
13 preexisting condition when he purchased the property. Do  
14 we have any idea when he purchased the property?

15 MS. NORDSTROM: Not offhand, I don't have it.

16 BOARD MEMBER PEACE: Was it like a long, long  
17 time ago? Was it recently?

18 MS. NORDSTROM: I'm not sure. I'd have to look  
19 at it.

20 BOARD MEMBER PEACE: My concern is if it was  
21 recently, he would have known he had to clean up the tires  
22 when he purchased the property, right? So if the city  
23 just bought it a couple years ago and the tires were  
24 stacked up so he got a really good deal on the property  
25 because the tires were there and he knew he had to get rid



1 of them, and now he's asking for money to clean them up --

2 MS. NORDSTROM: It wasn't within the last few  
3 years. I believe it was like more than ten years ago.

4 BOARD MEMBER PEACE: I just want to make sure  
5 things like that -- you do look at those kinds of things.

6 And just another question I had was on city of  
7 Victorville. When they said they're going to remove --  
8 there's almost 10,000 tires, and we're going to remove 100  
9 tires a week. At tat rate, it's going to take two years  
10 to clean them up. And I was just wondering why they were  
11 saying they were only going to clean up 100 a week.  
12 They're getting the money to do this. Why is it going to  
13 take two years to clean them up?

14 MS. NORDSTROM: They're just spreading it out for  
15 the grant cycle. Basically that's how long the funding  
16 will last.

17 BOARD MEMBER PEACE: They don't want to get it  
18 cleaned upright away?

19 MS. NORDSTROM: These are spread out throughout  
20 the community. It's as they get crews to go out. And  
21 they don't have that many crews.

22 BOARD MEMBER PEACE: There's different spots that  
23 have the 100 here, 100 there?

24 MS. NORDSTROM: It's like 76 square miles they  
25 have to cover. They don't have that much crew to cover

1 that area. They have to go as they find problems.

2 BOARD MEMBER PEACE: Okay. And do they have any  
3 plans at all on how they're going to keep this from  
4 happening in the future? I know there is a problem  
5 everywhere. There's really no way to stop this.

6 MS. NORDSTROM: It's the big problem in the  
7 desert areas, because it's the remoteness. There's no way  
8 to do the surveillance on the areas. So it is definitely  
9 a big problem in the desert. We have the whole city --  
10 Imperial Valley that cleans up hundreds of thousands of  
11 tires every year, just because there's no way of  
12 preventing the dumping.

13 BOARD MEMBER PEACE: Another thing, when I was  
14 looking through all these different jurisdictions and how  
15 much money they wanted, I notice almost every one of these  
16 jurisdictions requesting cleanup money is also getting an  
17 enforcement grant. I was very happy to see that.

18 MS. NORDSTROM: As they get up to speed with  
19 enforcement, we're getting more coming in to help with the  
20 removal of tires.

21 BOARD MEMBER PEACE: I was just wondering maybe  
22 in the future we should be looking at that to make sure  
23 that if they're asking for money to do cleanups, they're  
24 also doing the enforcement side of it. Okay. Thank you.

25 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

1 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

2 I'd like to move Resolution 2004-133 related to  
3 the grant awards for local Government Waste Tire Cleanup  
4 Grant Program for FY 2003-2004.

5 BOARD MEMBER WASHINGTON: Second.

6 BOARD MEMBER PEACE: Second.

7 CHAIRPERSON MOULTON-PATTERSON: So did you second  
8 it, Ms. Peace?

9 BOARD MEMBER PEACE: Both of us did.

10 CHAIRPERSON MOULTON-PATTERSON: Mr. Takallou, did  
11 you want to speak on this now or Number 1?

12 Well, come on. We're ready to vote. Okay,  
13 quickly, please.

14 MR. TAKALLOU: Just Board Member Peace had a  
15 couple of questions about the cost of the -- why it's  
16 costing these cities this much money. We just -- I'm with  
17 CRM Company of Compton recycle tires. We just done a  
18 project for Ventura County. And what we did with the  
19 project -- oftentimes, the public agencies, they get into  
20 these projects and they'll wasting lots of money on  
21 administration.

22 And, for instance, from Ventura County to our  
23 plant to Compton, you had one inspector following every  
24 truck to come to our plant. And he was watching us. We  
25 process every tire. That cost them almost \$5,000, and the

1 project was only \$30,000 just this inspector going back  
2 and forth.

3           Secondly, you mention on the track why every tire  
4 costs \$30 a tire on these track projects. We sell crumb  
5 rubber to these tracks. And the schools in my opinion are  
6 getting gouged a lot, because I'm getting calls from  
7 brokers from New York who want to buy my rubber at so much  
8 price. And they mark them up to 500 percent, and they  
9 sell it back to these schools.

10           I think if you have -- sometimes these grants for  
11 local agencies because of lack have training is perceived  
12 as freebie, you know. And it is a lack of, you know,  
13 training. There are producers here available, us, would  
14 be more than happy to sell direct. We actually -- in one  
15 instance we had a Canadian manufacturer rubber molded  
16 products. We shipped a load of crumb rubber to Canada to  
17 make for playground mat, supposedly, for coming back to  
18 California. The shipment cost by itself was almost as  
19 much as the price of crumb rubber. You know, in issues  
20 like this, you know, if we can have some sort of a better  
21 coordination and training, it can be done.

22           As far as the volunteers, Board Member Washington  
23 mentioned, for instance, on Ventura County project, the  
24 County ran out of money, and still there was \$5,000. We  
25 as a processor, we contributed all of that money to clean

1 it up. We said, "We're in it. We do it for you guys free  
2 of charge." So you can get the processors to contribute  
3 as well.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you, Dr.  
5 Takallou.

6 We had a motion by Mr. Paparian, seconded by Mr.  
7 Washington to approve Resolution 2004-133. Without  
8 hearing any objection, substitute to previous roll call.

9 Okay. We're going to take our lunch break now,  
10 and we'll be back at 1:30.

11 (Thereupon a lunch recess was taken.)

12 CHAIRPERSON MOULTON-PATTERSON: I'd like to call  
13 the meeting back to order.

14 Ex partes, Ms. Peace.

15 BOARD MEMBER PEACE: I was talking to Will Prinz  
16 regarding tire enforcement.

17 CHAIRPERSON MOULTON-PATTERSON: I have none.

18 Mr. Paparian.

19 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.  
20 I spoke with Chuck Helget regarding Item 16. And I've  
21 received a new communication from Fred Lee regarding the  
22 agenda item having to do with Subtitle D.

23 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr.  
24 Washington.

25 BOARD MEMBER WASHINGTON: Almost Terry Leveille.

1 He just couldn't catch me.

2 CHAIRPERSON MOULTON-PATTERSON: On Item 6, I  
3 believe, Mr. Lee.

4 DEPUTY DIRECTOR LEE: Are you ready to proceed,  
5 Madam Chair?

6 CHAIRPERSON MOULTON-PATTERSON: Yes.

7 DEPUTY DIRECTOR LEE: Item 6 is Consideration of  
8 Approval of Contractor for the Engineering Applications,  
9 Research, and Construction Management Using Shredded Tires  
10 Contract, Tire Recycling Management Fund Fiscal Year  
11 2003-2004.

12 Stacy Patenaude will make the staff presentation.

13 MS. PATENAUDE: Good afternoon, Madam Chair  
14 members of the Board. The item today I'm giving will be  
15 Consideration for Approval of Contractor for the  
16 Engineering Applications, Research, and Construction  
17 Management Using Shedded Tires Contract.

18 The Board approved the scope of work for this  
19 contract during its December 2003 Board meeting. I'll  
20 give a brief overview what this contract is for. The  
21 primary purpose of this construction oversight contract is  
22 to provide construction management oversight and to supply  
23 tire shed material for demonstration projects that the  
24 Board conducts in partnership with Caltrans and local  
25 government agencies.

1           The secondary objective is to work towards  
2 achieving more California-based engineering expertise in  
3 the field of civil engineering applications using tire  
4 shreds. Knowledge that Dr. Dana Humphries, the Board's  
5 engineering and environmental services contract,  
6 possesses.

7           For this reason, the contractor chosen for this  
8 contract will work closely with Dr. Humphries to learn all  
9 the aspects of using tires in civil engineering  
10 application. This contractor will be more involved during  
11 the initial design and planning phases of new projects and  
12 assist Dr. Dana Humphries and the Board staff to get tire  
13 shreds accepted as a light-weight fill material option in  
14 the California Department of Transportation standards  
15 specifications.

16           The selection process utilized by the Board was a  
17 request for qualification process. Three statements of  
18 qualifications were received and evaluated by panel  
19 members. The engineering consulting firm achieving the  
20 highest score was Brian A. Stirrat & Associates.

21           Staff would, therefore, recommend that the Board  
22 adopt Option 1, which is approve Resolution Number  
23 2004-134 and the proposed contractor of Brian A. Stirrat &  
24 Associates for the engineering applications, research, and  
25 construction management using tire shreds contract.

1 I'll answer any questions if you'd like now.

2 CHAIRPERSON MOULTON-PATTERSON: Ms. Peace.

3 BOARD MEMBER PEACE: We've had contract like this  
4 previously, right?

5 MS. PATENAUDE: We currently have one. It's a  
6 little different title, and we've kind of expanded what  
7 this contractor will do.

8 BOARD MEMBER PEACE: Can you tell me what like  
9 projects were a result of the previous contract?

10 MS. PATENAUDE: The project that we just  
11 completed was a retaining wall -- test retaining wall  
12 section down on Route 91 in the city of Riverside. That  
13 was just a small test section. We use that contract --  
14 that contract won't expire for another year. So we'll  
15 still be using -- Brian A. Stirrat will be managing two  
16 oversight construction contracts simultaneously. We are  
17 proceeding with this one since the funds were going to  
18 expire, and we have a large project coming up in October.  
19 And there's a chance that we would use all of the previous  
20 contract up trying to implement this next project.

21 BOARD MEMBER PEACE: So do you feel like this is  
22 a good thing? We're getting enough bang for our buck on  
23 this contract?

24 MS. PATENAUDE: Yeah. I think it's the next step  
25 up from just Dr. Humphries where we were educating



1 Caltrans and public entities. Now we can actually go out  
2 and implement the projects. And hopefully with Brian A.  
3 Stirrat there is an engineer that's actually worked on --  
4 the very first oversight contract was with IT. And the  
5 young engineer that had just come out of college and did  
6 the construction oversight at Dixon Landing actually went  
7 to Brian A. Stirrat. He's worked on the Route 91 wall and  
8 he'll be working on the next wall. So he'll have the most  
9 experience in California for someone doing this type of  
10 work. So we're expanding the type of knowledge that we  
11 have in the state.

12 BOARD MEMBER PEACE: We're hoping this leads to  
13 getting the green book specifications changed, that these  
14 become standard practices?

15 MS. PATENAUDE: Exactly. Caltrans has a list of  
16 standard materials they use for light-weight fill,  
17 volcanic rocks, Styrofoam, that type of material. When  
18 their geotechnical engineers determined that their project  
19 constitutes using a light weight material, they don't  
20 necessarily specify what the material is to a contractor  
21 when they bid on a project. They just say we must meet  
22 these specifications for light-weight fill. And their  
23 contractor will put it out to bid to determine what is the  
24 most cost effective material.

25 And I think with the Dixon Landing project we

1 demonstrated that by using the tire shreds on the on-ramp  
2 there -- the project actually just went into operation in  
3 March of this year. We built it over two years ago, but  
4 it just started operating in March. Caltrans saved almost  
5 \$250,000 over using the next cheapest light-weight  
6 material.

7           And we think that right now the indications are  
8 that with tire shreds behind the retaining wall, we're  
9 taking this one step further. We're actually trying to  
10 get Caltrans to change their standard specifications for  
11 how they build retaining walls. If we can get the data  
12 that they ask for out of this next wall, they've agreed  
13 that they will put --

14           BOARD MEMBER PEACE: How do we get that data? Do  
15 we specifically ask for that?

16           MS. PATENAUDE: We are going to instrument the  
17 wall. They're going to use a standard -- they call it a  
18 Type 1 wall. We will instrument it very similar to what  
19 we do with the Route 91 wall. We'll put pressure cells in  
20 it, tilt meters, rain gauges. And then we pull the  
21 information back to show them that the pressure is reduced  
22 on the wall by as much as 50 percent. Calculations show  
23 that if what has happened in another state where Dr.  
24 Humphries has used this, that Caltrans can reduce the  
25 amount of steel and concrete that goes into a typical

1 wall.

2 BOARD MEMBER PEACE: With the cost of steal, that  
3 could really --

4 MS. PATENAUDE: Right. I think the estimate was  
5 \$150,000 per 1,000 feet of wall. And, you know, that  
6 doesn't sound like a whole lot. But in the 215  
7 interchange improvement, there are 19 walls, and they  
8 estimate four miles in retaining walls. So if we could  
9 get even a fraction of those changed over so they use tire  
10 shreds was the light-weight fill, it would pretty much use  
11 up all the tires in Southern California. So that's what  
12 we're shooting towards.

13 And we're hoping by this time next year we'll  
14 have the data. And we've got a really good group of  
15 people at Caltrans that are real receptive to this. They  
16 agreed they will take the next step once the data shows  
17 up.

18 BOARD MEMBER PEACE: Also in here it says, "The  
19 contractor will provide education, design, technical  
20 assistance to the local and state government agencies and  
21 private entities who want to use waste tires in civil  
22 engineering applications in the tire shreds." Does this  
23 include the TDA, the tire-derived aggregate? Is that part  
24 of --

25 MS. PATENAUDE: Yes. That's kind of -- we've

1 always been calling them tire shreds. And Dr. Humphries  
2 finally came up with an acronym, TDA, tire-derived  
3 aggregate. And the characteristic of it is the  
4 light-weight material.

5 BOARD MEMBER PEACE: Thank you.

6 CHAIRPERSON MOULTON-PATTERSON: Do I have a  
7 motion? I don't see any other lights.

8 Did you want to move this?

9 BOARD MEMBER PEACE: Sure. Okay. With Stacey's  
10 excellent explanation, I would like to move Resolution  
11 2004-134, Consideration for Approval of Contractor for the  
12 Civil Engineering Application, Research, and Construction  
13 Management Using Shredded Tires, Contract Tire Recycling  
14 Management Fund, Fiscal Year 2003-2004.

15 BOARD MEMBER PAPARIAN: Second.

16 CHAIRPERSON MOULTON-PATTERSON: Motion by Ms.  
17 Peace, seconded by Mr. Paparian to approve Resolution  
18 2004-134.

19 Why don't you go ahead and call the roll.

20 SECRETARY WADDELL: Paparian?

21 BOARD MEMBER PAPARIAN: Aye.

22 SECRETARY WADDELL: Peace?

23 BOARD MEMBER PEACE: Aye.

24 SECRETARY WADDELL: Washington?

25 BOARD MEMBER WASHINGTON: Aye.

1 SECRETARY WADDELL: Moulton-Patterson?

2 CHAIRPERSON MOULTON-PATTERSON: Aye.

3 That takes us to Item Number 7.

4 DEPUTY DIRECTOR LEE: Thanks, Madam Chair.

5 Item Number 7 is Consideration of the Grant  
6 Awards for the Tire Product Commercialization and Applied  
7 Technologies Grant Program for Fiscal Year 2003-2004.

8 Linda Dickinson will make the staff presentation.

9 (Thereupon an overhead presentation was  
10 presented as follows.)

11 MS. DICKINSON: As Jim Lee indicated, I'm Linda  
12 Dickinson. I'm here to present Agenda Item 7. There's a  
13 Power Point presentation. It's Consideration of Grant  
14 Awards for the Tire Product Commercialization and Applied  
15 Technologies Grant Program for Fiscal Year 2003-2004.

16 The Five-Year Plan approved by the Board at its  
17 May 2003 meeting designated \$1.6 million to fund the Tire  
18 Product Commercialization and Applied Technologies Grant  
19 Program for five fiscal years, beginning fiscal year  
20 2003-2004. The Board received 21 grant applicants; 18  
21 were eligible for evaluation. Eighteen applications were  
22 evaluated using the criteria approved --

23 --o0o--

24 MS. DICKINSON: -- at the September 2003 Board  
25 meeting.

1 --o0o--

2 MS. DICKINSON: Ten applications received a  
3 passing score and are eligible for funding. Eight  
4 applications did not receive a passing score.

5 --o0o--

6 MS. DICKINSON: Three applications were  
7 disqualified. One was disqualified because its product  
8 was produced out of state. The grant application requires  
9 that the production of the product occurs in California.  
10 Another application was disqualified because it included  
11 tire-derived fuel to process waste tires. Tire-derived  
12 fuel projects are not eligible under the terms of the  
13 grant application. The third application was disqualified  
14 because the project was using pyrolysis to process waste  
15 tires. Pyrolysis projects are not eligible under the  
16 terms of the grant application.

17 --o0o--

18 MS. DICKINSON: Under north/south split, at the  
19 November 2003 meeting, the Board approved awarding 39  
20 percent of the funds to agencies in Northern California  
21 and 61 percent to those in Southern California based on  
22 the most current population provided by the Department of  
23 Finance. The division of the state is based on estimated  
24 population of each county in January 2003 provided by the  
25 Department of Finance.

1           Northern California counties are all those north  
2 of and including Monterey, Kings, Tulare, and Inyo.  
3 Southern California counties are defined as those counties  
4 including and south of San Luis Obispo, Kern, and San  
5 Bernardino. Staff mailed more than 300 Notices of Funds  
6 Available to waste tire stakeholders.

7           For List A, recommended grant funding for  
8 Southern California will be 66 percent, and for Northern  
9 California, 34 percent. If the Board chooses to fund List  
10 B, the north/south split funding will be 25 percent for  
11 Southern California and 75 percent for Northern  
12 California.

13                               --oOo--

14           MS. DICKINSON: Funding. Based on the  
15 north/south split and in descending order of scores, staff  
16 determined that six applications could be recommended for  
17 full funding in the amount of \$1,482,780. If funds will  
18 being available through reallocation of fiscal year  
19 2003-2004 money, staff proposes that the Board fully fund  
20 the four remaining passing applications and approve the  
21 ranking of the remaining applicants, three from Northern  
22 California and one from Southern California, for \$1  
23 million.

24           The recommendation is to approve the proposed  
25 awards directing staff to enter into grant agreements with

1 the applicants identified in the resolution and adopt  
2 Resolution 2004-135.

3 --o0o--

4 MS. DICKINSON: Are there any questions?

5 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

6 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

7 Just a few questions. And you might have already  
8 explained this in terms of -- I'm going toward the  
9 California companies versus out of state companies. How  
10 many of these contracts are out of state companies?

11 MS. DICKINSON: There's one.

12 BOARD MEMBER WASHINGTON: There's one out of  
13 state?

14 MS. DICKINSON: There's one out of state, but  
15 they're going to have their project in California.

16 BOARD MEMBER WASHINGTON: And how many didn't get  
17 funding that's in the state of California, companies  
18 headquartered in California, do you know?

19 MS. DICKINSON: How many didn't get funding of  
20 the eight?

21 BOARD MEMBER WASHINGTON: Yeah.

22 MS. DICKINSON: There was one that was  
23 disqualified.

24 BOARD MEMBER WASHINGTON: But it's not because  
25 they just didn't apply for it. They were disqualified for



1 some other reason?

2 MS. DICKINSON: They were disqualified because  
3 their project was in a different state. They were going  
4 to produce the product in a different state. So that's  
5 why. They were going to produce it in Iowa. That's why  
6 they were disqualified.

7 BOARD MEMBER WASHINGTON: I don't know if this  
8 was requested before by the Board members or not. But in  
9 terms of these -- when it comes to the out of state  
10 companies, is there a way on the agenda item that we know  
11 which ones are from out of state and which ones are not,  
12 or is there something that you can get to us prior to the  
13 Board and say these are the out of state companies?

14 MS. DICKINSON: Well, Global is going to set up  
15 shop in California. When they submitted their  
16 application, it's from Pennsylvania. But they're going  
17 to -- when they got the grant, what they're saying in  
18 their application is, "We're from Pennsylvania now. If we  
19 get the grant, we're coming to California and we're going  
20 to set up a business." That's what that means. That's  
21 what their scope of work indicates in the application.

22 BOARD MEMBER WASHINGTON: So we take them at face  
23 value, I guess, in terms of just whatever they tell us.  
24 And that's fine, if that's a part of this. And I only  
25 brought that up to say to my colleagues that I'm very

1 concerned about these contracts going to out of state  
2 companies, especially when a Governor -- and I believe  
3 this Governor is trying to do business and bring business  
4 back to California even --

5 MS. DICKINSON: Well, they do sign under penalty  
6 of perjury. And Terry Leveille has contacted me and  
7 Global has asked him to represent them if you want to  
8 ask --

9 BOARD MEMBER WASHINGTON: No. I'm just pretty  
10 much suggesting to my colleagues that I would like to see  
11 a more attractive approach at going after companies that  
12 are in California, that some type of way we have a  
13 priority to make sure we cover our own town and own state  
14 first.

15 How do you base the criteria of selecting these  
16 companies even if they're out of state? And I guess  
17 they're headquartered out of state, but they do business  
18 in California; is that correct? Is that how you guys work  
19 it out?

20 MS. DICKINSON: Our criteria allows companies  
21 from out of state to apply as long as when they come to  
22 California, the product is produced in California.  
23 They're not penalized in any way in the criteria  
24 points-wise or anything.

25 BOARD MEMBER WASHINGTON: And I only raise that

1 again to my colleagues that I think we need to take a look  
2 at this criteria.

3 MS. DICKINSON: They do have to stay in  
4 California for five years.

5 BOARD MEMBER WASHINGTON: Again --

6 BOARD MEMBER PEACE: I guess what I'd like to  
7 know, are we importing competition? Are they making  
8 something that's totally different than any other  
9 companies that are already here producing?

10 BOARD MEMBER WASHINGTON: That's exactly where I  
11 was gearing to go.

12 DEPUTY DIRECTOR LEE: While Linda is looking  
13 through the records for an answer to that question, again,  
14 I think the important thing we want to emphasize is that  
15 the grant criteria which the Board approved allowed for  
16 consideration of out of state applicants. And the purpose  
17 of -- the main purpose of the grant program was to solicit  
18 applications from entrepreneurs that could advance various  
19 tire use programs.

20 BOARD MEMBER WASHINGTON: And that's certainly  
21 true. But I believe in the state of California, we have  
22 so many people -- there's 33, 36 million people in this  
23 state, and there's a lot of people doing business in  
24 California. I think if we look throughout California,  
25 we'll find the type of competition we need and the type of

1 services we're looking for to handle this. I'm not in any  
2 way objecting to this. I'm suggesting this is the only  
3 time we can actually voice our concerns and opinions about  
4 some things. It sounds to me, Mr. Lee, what you're saying  
5 to the Board, if you want to do something about that, you  
6 have to change the criteria.

7 DEPUTY DIRECTOR LEE: That's exactly correct.

8 BOARD MEMBER WASHINGTON: Thank you.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
10 Washington. We appreciate that.

11 Ms. Peace, you were next.

12 BOARD MEMBER PEACE: Before I ask more specific  
13 questions, I've kind of heard from a number of sources  
14 that there's some accusations that former grantees are  
15 using Canadian rubber and that -- is there a way for us to  
16 check this? Or do we check it out? Do we do any sort of  
17 follow-up regarding previous grantees to find out if they  
18 are, in fact, using crumb rubber from California or if  
19 they're bringing it in from Canada?

20 WASTE TIRE DIVERSION SUPERVISOR DELMAGE: Mitch  
21 Delmage, Waste Tire Diversion Section.

22 We did get a complaint that that was occurring.  
23 We sent a staff member -- or actually two staff members to  
24 the facility. They inspected it. They took pictures and  
25 found that there was no evidence that there was any

1 Canadian rubber there ever.

2 BOARD MEMBER WASHINGTON: Can you speak in the  
3 mic so we can hear what you're saying. There you go.

4 BOARD MEMBER PEACE: Do you do follow-ups when  
5 you hear a complaint, or is there any kind of procedure  
6 for checking --

7 WASTE TIRE DIVERSION SUPERVISOR DELMAGE: Well,  
8 we keep in close contact with our grantees. And as they  
9 turn in their payment request, we, you know, look at their  
10 records and, you know, their certification of using  
11 recycled content products. So, you know, there's several  
12 ways that we can address this issue.

13 BOARD MEMBER PEACE: Have you thought of  
14 different ways to address it so you kind of keep up on  
15 things and make sure they're doing what they're supposed  
16 to be doing with their grant money?

17 WASTE TIRE DIVERSION SUPERVISOR DELMAGE: That's  
18 correct.

19 BOARD MEMBER PEACE: Did you find the answer to  
20 that question on Pennsylvania? Are we importing  
21 competition for businesses that are already here, or are  
22 they doing something that's totally different from  
23 anybody --

24 WASTE TIRE DIVERSION SUPERVISOR DELMAGE: They're  
25 making a mat product like other companies here in

1 California, but they were looking at a company to expand  
2 west.

3 BOARD MEMBER PEACE: So we're importing  
4 competition.

5 Also on -- how do you pronounce it? On the  
6 Rydean molded products, it says they're going to procure  
7 equipment to expand their molded rubber production, but  
8 can you tell me what molded rubber products they make?

9 MR. LEVEILLE: This is Terry Leveille, Board  
10 members, madam Chair.

11 Rydean is a molded rubber product manufacturer  
12 that is in the process -- in fact, they just started their  
13 operations in Banning. And they make a variety of molded  
14 rubber products, mats, and the like. They're commercially  
15 viable product that have shown some degree of  
16 marketability and are looking to expand into a brand-new  
17 location with a significantly larger warehouse.

18 One of their more interesting things is that they  
19 recycle the scrap tire that is stripped off of a tire that  
20 is normally destined for a landfill. And they are able to  
21 do it with commercially viable equipment that turns it  
22 into products.

23 BOARD MEMBER PEACE: But you don't know what kind  
24 of molded products they actually make?

25 MR. LEVEILLE: I should have had -- they have

1 used these -- they've used bullet panels for firing ranges  
2 for sheriff departments and that type of thing and for  
3 private sector rifle ranges. They make some molded rubber  
4 blocks, et cetera, et cetera. You'd have to have a  
5 representative from the company to explain all the details  
6 as to what they do. I'm not -- I've never been out to  
7 their facility or never seen any of their products.

8 BOARD MEMBER PEACE: Did you help them write  
9 their grant proposal?

10 MR. LEVEILLE: With significant help from them.

11 BOARD MEMBER PEACE: But you've never seen their  
12 facility?

13 MR. LEVEILLE: I've never seen their products,  
14 no.

15 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

16 I think every time since I've been on the Board  
17 we've gone through the tire product commercialization  
18 grants we've learned things that we've then applied to the  
19 next cycle. And I think one of the things that we've  
20 learned this time is that there's a bit of a loophole  
21 regarding out of state companies.

22 I think if you look back at the record, I don't  
23 think we had any idea when we approved the last set of  
24 scoring criteria we'd be inviting the out of state  
25 applicant. If anything, it might have been just the

1 opposite with the criteria that was in there for business  
2 permits and licenses and so forth. I think a lot of us  
3 thought we were looking at bona fide in-state businesses.  
4 I'm not saying that to be critical at all of the staff. I  
5 think that we created a loophole without knowing we  
6 created a loophole, I think is what happened in the last  
7 criteria.

8 MS. DICKINSON: So to clarify, you want them to  
9 have business licenses before they can apply or  
10 corporation licenses or --

11 BOARD MEMBER PAPARIAN: I'm glad you asked  
12 because that actually brings up a bigger issue. And that  
13 is that I think that we do need to take a look at this  
14 program and see what we might want to do differently. Do  
15 we want to adjust the amount up or down? Do we want to  
16 change the criteria? There are a number of things that  
17 are possible.

18 And I think if you go back to the Five-Year Tire  
19 Plan, one of the things that was significant in terms of a  
20 change in the Five-Year Tire Plan this time compared to  
21 last time was that we called for there to be regular round  
22 table discussions with stakeholders to review the tire  
23 program, solicit input from stakeholders, and answer  
24 questions. And I think this should be really ripe for one  
25 of the first round tables that we ought to have. I



1 suggest we should try to have that in the next few months  
2 and bring in some of the stakeholders have an interest in  
3 the tire product commercialization grants, hear their  
4 input, have some discussions back and forth, and then  
5 bring forth the criteria for the next round.

6 DEPUTY DIRECTOR LEE: I heartily agree with your  
7 suggestion, Mr. Paparian.

8 I think I mentioned to the Board previously it's  
9 our intent to ramp up the next Five-Year Plan  
10 preliminaries, if you will, later this summer, early fall.  
11 I think I already notified the Board of our intent to ask  
12 for some Board direction with regards to this entire  
13 commercialization grant program, whether it should  
14 continue to remain a grant program or whether there should  
15 be some other considerations looked at. So I think  
16 certainly these round tables and workshops are definitely  
17 part and parcel of that entire program reevaluation.

18 BOARD MEMBER PAPARIAN: I think we can do that  
19 even apart from the next Five-Year Tire Plan. I think in  
20 terms of getting ready for the next Tire Product  
21 Commercialization Grant Cycle, it would probably be good  
22 to have this. I think there's enough in here to see  
23 something like that happen.

24 BOARD MEMBER PEACE: I think there there's enough  
25 things that concern me, as well as Mr. Paparian, in this

1 tire plan I would like to look at the 04-05 tire plan. I  
2 don't want to wait until next fall to start looking at  
3 this. I'd like to start looking at some of these things  
4 now. And what do I need to do to make sure that happens?

5 DEPUTY DIRECTOR LEE: Well, as I understand, it's  
6 certainly the Board's prerogative to consider changes.  
7 There's nothing fixed in concrete in the plan. However,  
8 in statute we do the Five-Year Plan revisions on a  
9 two-year basis. And so I'm a little concerned about  
10 embarking on basically another annual evaluation of the  
11 entire program.

12 So is there any -- I'll defer to my legal  
13 representative and see if there's anything else in the law  
14 that might speak to this.

15 CHAIRPERSON MOULTON-PATTERSON: Ms. Carter.

16 CHIEF COUNSEL CARTER: The statute requires a  
17 review every two years, but does not limit the number of  
18 reviews that the Board can do. So if you want to look it  
19 more frequently, that would be available.

20 BOARD MEMBER WASHINGTON: That's good to know.

21 CHIEF COUNSEL CARTER: Of course, you also have  
22 the requirement to submit your plan to the Legislature.  
23 So that would be an issue that you'd want to consider, and  
24 the timing.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 BOARD MEMBER PEACE: It doesn't say we can't  
2 modify it more often. And considering the report -- the  
3 Senate report that came out saying they were very  
4 concerned about how we were conducting our tire program.  
5 They had a lot of concern. I think we need to go back and  
6 start looking at the Five-Year Plan a lot sooner than next  
7 fall.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.  
9 Peace.

10 Were you finished, Ms. Dickinson? Okay.

11 We do have some public speakers I'd like to get  
12 to.

13 Earnest Moore, Eco Terra Global Limited, followed  
14 by Terry Leveille.

15 Terry, you were just answering a question before,  
16 weren't you? Did you still want to speak?

17 MR. LEVEILLE: I had one more minor thing.

18 CHAIRPERSON MOULTON-PATTERSON: You're next.

19 MR. MOORE: Good afternoon, Madam Chair and  
20 fellow Board members.

21 CHAIRPERSON MOULTON-PATTERSON: I don't think we  
22 can hear. There.

23 MR. MOORE: Good afternoon, Madam Chairman and  
24 fellow Board members. I'm Earnest Moore from Eco Terra  
25 Global. Thank you for this opportunity to explain and

1 describe how shearography and ultrasound will improve the  
2 company's engineering, manufacturing, and quality control  
3 systems for managing passengers car and commercial van  
4 remolded tires.

5 Shearography using laser optics and ultrasound  
6 are state-of-the-art technologies that will improve the  
7 accuracy and consistency of inspecting used casings for a  
8 host of potential inherent defects. Shearography and  
9 ultrasound will better enable Eco Terra to achieve its  
10 mission statement; one, to recycle acceptable used casings  
11 to original use as remold tires; and B, to remanufacture  
12 or recycle unacceptable scrap tire casing into a higher  
13 use rubber crumb use using the company's proprietary  
14 technologies.

15 Eco Terra has a unique method, and I know one of  
16 the items that I've spoken with the people today that will  
17 be on commercial tire content and rubber crumb. We have  
18 some unique and novel technologies that will purify and  
19 refine rubber crumb beyond that which is being used at the  
20 ambient crush level today. Shearography and ultrasound  
21 will enable us to continue that research.

22 Basically shearography and ultrasound will allow  
23 Eco Terra to produce premium quality remold tires for  
24 passenger cars and commercial van vehicles to original use  
25 on a consistent basis recycling 60 to 65 percent original

1 content. It will also --

2 BOARD MEMBER PEACE: Excuse me. Is this like  
3 retreading a tire? Are you making a whole new tire?

4 MR. MOORE: What we do is, in very simple terms,  
5 it's similar to retreading, but it's a little more  
6 sophisticated in that we replace the entire side wall area  
7 of the tire, the under shoulder area of the tire, and the  
8 tread area of the tire. It's not just a recap. It looks  
9 and appears and acts like a new tire.

10 The basic reason for it being that cosmetics are  
11 important to the motorist. He doesn't want to see Good  
12 Year on one tire and Michelin on another and Dunlop and  
13 Continental. He wants to see all four tires identified  
14 properly. So sidewall Veneers are just as important in  
15 remolding as, say, the tread area of the tire. In that  
16 sense, it differs from commercial and bus and other forms  
17 of recapping. It's a more sophisticated form of  
18 remanufacturing.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you.

20 BOARD MEMBER PEACE: How much -- so when a tire  
21 is done, what percentage of it is recycled content?

22 MR. MOORE: Sixty to 70 percent, depending on the  
23 size and type of tire. All the bead area, the plys, the  
24 belt package, and some of the other components are  
25 recycled. And essentially to keep it simple, what you do

1 is carefully inspect the casing. And that's where  
2 shearography and ultrasound come in. And then you remove  
3 the other old rubber. You use ozone and specific  
4 non-toxic adhesives for preparing the tire for applying  
5 the new rubber. Then you apply the new rubber to the  
6 treads and sidewall areas of the tire. And then you  
7 vulcanize it just like a new tire. Essentially that's the  
8 process.

9 BOARD MEMBER PEACE: Have you already made these  
10 tires? Have you already made them and have you --

11 MR. MOORE: We've done them in Europe. I've been  
12 a director for Good Year International in Europe, and I've  
13 always been Managing Director for remolding companies in  
14 Europe.

15 My original goal was to ship these tires into  
16 California from England. And then I was informed by  
17 Martha Gildart and a few other people, and I know she's in  
18 attendance today, it would be nice to do this with  
19 California casings. So I couldn't argue it. She wanted  
20 to see this process being handled and these tires using  
21 California casings, rather than using European casings and  
22 shipping them here?

23 BOARD MEMBER PEACE: How's the safety?

24 MR. MOORE: The safety factor has been  
25 documented, and I've presented videos and other materials

1 to Integrated Waste Management Board and CalEPA.

2           The safety record has been documented over  
3 20 years to equal, and in some cases better than, for new  
4 tires. To give you a specific, there are approximately 25  
5 million of these tires manufactured today in Europe, which  
6 of course, was the home of the radial tire. And I was  
7 with Good Year when the radial tire was introduced.  
8 Sadly, America was one of the last countries to introduce  
9 the radial tire.

10           The same is true with the remold tire. It's been  
11 established for 10 to 20 years in Europe and Africa and  
12 Asia and other countries. And I think it's time it comes  
13 here.

14           CHAIRPERSON MOULTON-PATTERSON: Thank you. If  
15 you'd continue, please.

16           MR. MOORE: So I think the increased use of  
17 remold tires will accomplish several things. It will  
18 benefit the environment. It will increase energy  
19 conservation. It will expand recycling and solid waste  
20 management. And it will generate more good paying  
21 manufacturing jobs and designated RMDZ and rural economic  
22 development areas.

23           We are headquartered and located in King City,  
24 California, which is South Monterey County, and it,  
25 fortunately, is both within an RMDZ and rural economic

1 development zone.

2           And lastly, I don't want to get into too many  
3 technicalities, but I think that shearography and  
4 ultrasound will allow us to continue our research in  
5 producing and developing better fuel saving and cooler  
6 running tread compounds and ozone resistant side walls.  
7 Now, people don't think of a sidewall. But when it cracks  
8 on a car, it allows moisture to get into the car, into the  
9 tire, and it helps destroy the integrity of the tire and  
10 the structure of the tire. So sidewalls are as important  
11 in some cases as tread compounds.

12           We want to continue the research of doing both  
13 and continue the percentage of recycled material that can  
14 be used in producing those tread materials and sidewall --  
15 ozone resistant sidewall materials. But that latter case  
16 is going to take more time.

17           And I agree with the next speakers. It's going  
18 to take five to ten years of ongoing research to fully  
19 achieve increasing the percentages that I would personally  
20 like to see in the production of rubber compounds. But  
21 remolding today can be done successfully, saving five to  
22 eight gallons of oil per tire, a dollar to two dollars in  
23 tire collection and disposal cost. It will create an  
24 economic engine here for good-paying manufacturing jobs in  
25 the recycling industry. And I think those reasons are



1 compelling and can be implemented quickly.

2 Increased and better use of rubber compounds and  
3 a higher content of recycled rubber crumb from current  
4 ambient levels, we will be at the upper level discussing  
5 this with the next speakers to start with, but I believe  
6 we can take it decidedly beyond that. But it will take a  
7 good five to ten years of ongoing research and ultrasound  
8 and shearography will help in those endeavors. So I  
9 basically believe that's all the comments I have, other  
10 than to thank you for your time and your attention. I  
11 sincerely hope we can work together.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you.

13 Mr. Leveille.

14 MR. LEVEILLE: Madam Chair and Board, just a real  
15 quickie. In response to the Global application, I got a  
16 call from Mike Haffcepien who's the CEO of Global over the  
17 weekend. He asked me to represent them. If there were  
18 some questions about it, he couldn't make it out here.  
19 And basically he sent me out his incorporation papers that  
20 were about a month or two before the deadline for the  
21 application deadline. And he said to me they've been  
22 planning for years to come out to California.

23 I don't know anything about their operation. I  
24 know they're very successful back east. And I agree with  
25 you, although I think there probably does need to be a

1 re-look at out of state companies coming in in the future.

2 And, you know, take it for that. But they have been one  
3 of those kinds of companies that has been out here many  
4 times and has a presence and wanted to have a presence in  
5 California for a long period of time.

6 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

7 BOARD MEMBER PAPARIAN: It says in our material I  
8 think that they're looking at Riverside County.

9 MR. LEVEILLE: Corona, I believe.

10 BOARD MEMBER PAPARIAN: Do they have a facility  
11 yet?

12 MR. LEVEILLE: They have an office there, is what  
13 I understand.

14 BOARD MEMBER PAPARIAN: So before we give the  
15 money, presumably they would have to have a physical  
16 location where the stuff would be used.

17 MR. LEVEILLE: As I understand, before you give  
18 the money, they've got to basically show that they have  
19 purchased the equipment and --

20 BOARD MEMBER PAPARIAN: Have all the permits and  
21 so forth?

22 MR. LEVEILLE: And all that stuff before -- I  
23 mean, that's one of the beauties of the grant program in a  
24 sense is that you don't give any money up front.

25 BOARD MEMBER PAPARIAN: So presumably your client

1 knows all that, that they need to have a physical  
2 facility, all the permits and everything else lined up  
3 before they get a check?

4 MR. LEVEILLE: Yeah. And likewise, the Board has  
5 done a great job in this last few years requiring a  
6 five-year commitment in California for all the equipment  
7 and stuff like that. So I think this is sort of the  
8 progress. And I would like forward to a stakeholders  
9 meeting this summer before the next go-around so that we  
10 could maybe iron out some of these issues.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
12 Mr. Leveille.

13 That concludes our speakers.

14 Mr. Paparian.

15 BOARD MEMBER PAPARIAN: Madam Chair, if there's  
16 no other questions, I'll move Resolution --

17 BOARD MEMBER PEACE: I have a question.

18 CHAIRPERSON MOULTON-PATTERSON: Just put on your  
19 light and I'll call on you.

20 Ms. Peace.

21 BOARD MEMBER PEACE: When we start looking at  
22 these things, I think we also need to look at things like  
23 do any of these businesses that we're giving grants for,  
24 do they compete with each other? Do they compete with  
25 prior grantees? And how many business that didn't get a

1 grant are on the B list, what kind of disadvantage are  
2 they put in?

3           And I really feel kind of -- my comfort level is  
4 not there for giving money away, I guess, as a gift. I  
5 think when this whole thing started, it was a good idea.  
6 But, in reality, it's become very complicated. I kind of  
7 feel the whole tire industry out there is a little small  
8 community and they're back biting and spying. And so I  
9 really do want to start looking at this criteria here.  
10 That's why I think it's so important that like by next  
11 month that we have an agenda item so that we can get some  
12 direction from the Board on how to modify some of these  
13 things.

14           DEPUTY DIRECTOR LEE: All your points are well  
15 taken and understood, Ms. Peace.

16           Again, just for the record, let me clarify. The  
17 issue with regards to my comments with regards to the  
18 biennial versus the annual review of the Five-Year Plan, I  
19 think that was basically reflecting the statute -- the  
20 legislative intent there was to provide some continuity  
21 and stability in the program, as opposed to have the  
22 annual reevaluations.

23           That being said, the Board has a prerogative with  
24 each item we bring to the Board to render your judgment  
25 upon it. And so, again, you can make modifications in the

1 04-05 tire commercialization grant award, if that's the  
2 Board's desires. And I agree that, you know, we can  
3 schedule a workshop to solicit the stakeholder input on  
4 this before we come before you again, you know, with this  
5 particular item.

6 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

7 BOARD MEMBER WASHINGTON: So Mr. Lee or staff, am  
8 I understanding this correctly? In these particular  
9 grants, they did not have to demonstrate they had  
10 equipment or offices in California? It sounds like to me  
11 they didn't have to demonstrate that. It's just a --  
12 that's a yes or no.

13 DEPUTY DIRECTOR LEE: I don't have the exact --  
14 let me ask Linda to kind of read from the application with  
15 exactly what the eligibility requirement was for an out of  
16 state applicant.

17 BOARD MEMBER WASHINGTON: I don't want to take  
18 up -- if they don't have it --

19 WASTE TIRE DIVERSION SUPERVISOR DELMAGE: Mitch  
20 Delmage again. They're not going to get a penny unless  
21 they're already here.

22 BOARD MEMBER WASHINGTON: Here's what I'm asking.  
23 Did they have to demonstrate if they had -- because it  
24 sounds like to me they didn't have to demonstrate they had  
25 any equipment, because before they get the money they have

1 to show they have these things. So they don't have to  
2 demonstrate it prior to even applying for this grant that  
3 they have these types of -- I'm just trying to set up  
4 something for our Board to work from. Because it sounds  
5 like to me that we have grants going out where people have  
6 to demonstrate once they get the money or before they get  
7 the money once they have been approved for it, now show us  
8 the products, that you have products, or the offices and  
9 things of that nature in place now, now that we've granted  
10 you the money.

11 WASTE TIRE DIVERSION SUPERVISOR DELMAGE: That's  
12 right.

13 BOARD MEMBER WASHINGTON: It's a problem for me,  
14 but I just want to make sure that's way it's set up.

15 WASTE TIRE DIVERSION SUPERVISOR DELMAGE: Yeah.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
17 Washington.

18 Any other questions, Ms. Peace?

19 BOARD MEMBER PEACE: I just want to make sure  
20 that I get a commitment from staff that they will be  
21 bringing back an item in June regarding the Five-Year Plan  
22 so we can take a look at some of these things with the  
23 scoring criteria, commercialization grants, and how we  
24 deal with the commercialization grants, whether they  
25 should be --

1           DEPUTY DIRECTOR LEE: The June agenda item is a  
2 little bit -- that schedule is a little bit tight for us.  
3 We'd like at least until July, especially, again, if we're  
4 supposed to include as part of this any stakeholder  
5 workshop on this item.

6           BOARD MEMBER PEACE: Well, could you just bring  
7 it back as a discussion item so we can get some discussion  
8 going? Does anybody else have any thoughts on that?

9           CHAIRPERSON MOULTON-PATTERSON: I think July  
10 would be more reasonable, but go ahead, Mike.

11          BOARD MEMBER PAPARIAN: I think what Ms. Peace  
12 may be looking for is options related to reopening the  
13 Five-Year Plan for possible revisions before the end of  
14 the two-year period.

15          CHAIRPERSON MOULTON-PATTERSON: They said we can  
16 do that.

17          BOARD MEMBER PAPARIAN: Right.

18          And what I said I was looking for was in the  
19 existing plan is round tables on tire-related issues and  
20 interchanges changes. We called them round tables in the  
21 plan. So I'd like to start up that process on the tire  
22 product commercialization.

23          DEPUTY DIRECTOR LEE: Let me make sure I'm clear  
24 on this point. My understanding was that we would be  
25 holding a stakeholder workshop to solicit input for

1 potential revision in the 04-05 tire commercialization  
2 grant program. And, again, there will be additional  
3 workshops that will be held as we go through the biennial  
4 tire workshops -- I mean, the Five-Year planning effort  
5 later this year. There's two different things. And the  
6 item we'd be bringing back in hopefully July or later  
7 would be just focusing on the changes we'd propose to make  
8 in the 04-05 commercialization award.

9 BOARD MEMBER PAPARIAN: I guess I have a little  
10 bit of a nuance on that. The existing Five-Year Plan  
11 calls for periodic round table discussions. And I'd  
12 like -- I guess you're calling the tire product  
13 commercialization round table a workshop. Maybe that's  
14 okay. But I'd like to see some additional round table  
15 discussions about issues, including -- we'll get to the  
16 RAC Center item later, but including the RAC Center issue.  
17 So we have some focused round table discussions and have,  
18 you know, some really good input and interchange with some  
19 of the key stakeholders.

20 DEPUTY DIRECTOR LEE: Again, that is part of the  
21 Five-Year Plan process we've already committed to. As you  
22 said, that's in the existing Five-Year Plan and we'll be  
23 implementing that as we go through what I was calling the  
24 start up of this whole effort later on this summer and  
25 fall, you know, the preliminaries for the next generation



1 of the plan.

2 BOARD MEMBER PAPARIAN: I guess where I want to  
3 be clear is that when we have these round tables, it's not  
4 just in order to inform us for the next Five-Year Plan,  
5 but also to inform us for issues that are coming up within  
6 the existing Five-Year Plan.

7 BOARD MEMBER PEACE: There's some changes we  
8 might want to make to the 04-05.

9 DEPUTY DIRECTOR LEE: Understandably. I'm hoping  
10 we can stop short of just saying we're doing a wholesale  
11 revision on the existing Five-Year Plan, because that is a  
12 lengthy process. I think we can attack various elements  
13 on this. And again, as we bring forth the items, you  
14 know, what is happening is a de facto, you know,  
15 reconsideration of the existing plan.

16 BOARD MEMBER PEACE: Can you at least -- if you  
17 want to bring this in July -- I would like it sooner. If  
18 you're saying July, can you then at least meet with us  
19 Board members to get our input on what we'd like to see  
20 changed --

21 DEPUTY DIRECTOR LEE: Certainly.

22 BOARD MEMBER PEACE: -- in the 04-05 plan, and  
23 come back in July with some ideas for making those  
24 changes.

25 DEPUTY DIRECTOR LEE: I'm fine with that.

1           CHAIRPERSON MOULTON-PATTERSON: I just want to  
2 make sure we're doing what should be done in public in  
3 public.

4           EXECUTIVE DIRECTOR LEARY: Madam Chair, if I  
5 might.

6           CHAIRPERSON MOULTON-PATTERSON: I'd rather do it  
7 in a public workshop myself.

8           EXECUTIVE DIRECTOR LEARY: I think together with  
9 Jim I'm getting a good sense of what the Board's direction  
10 is. I'm going to offer my personal assistance to Jim to  
11 make sure we put something together that addresses Board  
12 Member Peace's concerns about -- I think what we're asking  
13 for is a reallocation of the 04-05 tire fund moneys in  
14 advance of the next go-around of the biennial review. I  
15 think that's what you're saying fairly plainly.

16          CHAIRPERSON MOULTON-PATTERSON: But I want it  
17 done in public.

18          EXECUTIVE DIRECTOR LEARY: Absolutely. What I'd  
19 like to do is come back to you in June with a discussion  
20 of what that process will consist of, some consideration  
21 of the timing, so we don't involve another biennial review  
22 of the two-year plan that takes six months. As you all  
23 remember, last time it's a six to seven, eight-month  
24 process. Obviously, we don't have to time to effect 04-05  
25 allocations by taking a six- or seven-month process. So

1 we need to come back to you in June with a description of  
2 an abbreviated process to gather stakeholder input and to  
3 adjust the allocations to your liking and then move  
4 expeditiously about that so once the allocation are made,  
5 we can move to implement it.

6 CHAIRPERSON MOULTON-PATTERSON: You can do that  
7 by June, that part of it?

8 EXECUTIVE DIRECTOR LEARY: Yes, we will.

9 CHAIRPERSON MOULTON-PATTERSON: Mike, do you have  
10 any more concerns?

11 BOARD MEMBER PAPARIAN: No. I'm ready to move  
12 the item.

13 CHAIRPERSON MOULTON-PATTERSON: Okay.

14 BOARD MEMBER PAPARIAN: I'll move Resolution  
15 2004-135 revised, Consideration of the Grant Awards for  
16 the Tire Product Commercialization and Applied  
17 Technologies Grant Program for FY 2003-2004.

18 BOARD MEMBER WASHINGTON: Second.

19 CHAIRPERSON MOULTON-PATTERSON: We have a motion  
20 by Mr. Paparian, seconded by Mr. Washington to approve  
21 Resolution 2004-135 revised.

22 I see no objections. Please substitute the  
23 previous roll call.

24 Number 8.

25 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

1           Item 8 is a Presentation of the Report Entitled  
2 "Increasing the Recycled Content in New Tires" Tire  
3 Recycling Management Fund, FY 2001-2002 and 2002-2003, IWM  
4 CO138.

5           Linda Dickinson will make the presentation and  
6 introduce the contractor.

7           CHAIRPERSON MOULTON-PATTERSON: Ms. Dickinson.

8           MS. DICKINSON: Good afternoon, again. As Jim  
9 Lee indicated, I'm Linda Dickinson, and I'm here to  
10 introduce Agenda Item 8, which is the Presentation of the  
11 Report Entitled "Increasing the Recycled Content in New  
12 Tires."

13           At its March 2001 meeting, the California  
14 Integrated Waste Management Board approved the Five-Year  
15 Plan for the Waste Tire Management Program. The Five-Year  
16 Plan allocated \$200,000 in Fiscal Year 2001-2002 and  
17 100,000 in Fiscal Year 2002-2003 to research the  
18 feasibility of increasing the level of recycled content in  
19 new tires. This report examines what potential markets  
20 could be developed, what barriers exists, and what has  
21 been done to date with respect to this important issue.

22           On January 22nd, 2002, the Board approved the  
23 scope of work for a contract to investigation the  
24 viability of increasing the level of recycled content in  
25 new tires.

1           On April 16th, 2002, the Board awarded the  
2 competitively bid contracted to Nevada Automotive Test  
3 Center, NATC, for \$228,770.

4           On August 12, 2003, the Board heard conclusions  
5 and recommendations presented by NATC.

6           At that time, the Board asked the contractor to  
7 do some further investigation and include information from  
8 a similar study that was being conducted in North  
9 Carolina. In addition, the Board requested that the  
10 contractor gather data from tire manufacturers concerning  
11 the amount of recycled content already in new tires.

12           Finally, the Board wanted the contractor to  
13 develop scopes of work for future projects as required in  
14 the original contract.

15           Present at today's meeting to present their  
16 findings are key personnel from the contracting company,  
17 NATC, Dr. Muluneh Sime and Henry Hodges, Jr., President of  
18 NATC.

19           CHAIRPERSON MOULTON-PATTERSON: Good afternoon.

20           MR. HODGES: Good afternoon, Madam Chair and  
21 Board members. Thank you for the opportunity to discuss  
22 the results of the California Integrated Waste Management  
23 Board study, "Increasing the Recycled Content in New  
24 Tires." We would also like to thank throughout the  
25 duration of this program the support we received from

1 Linda Dickinson. This is a very difficult, technical  
2 problem that we had the opportunity to research and her  
3 help and guidance in assisting us to understand and answer  
4 the issues of interest was very helpful, and we certainly  
5 appreciated that.

6           The state of California is currently -- or  
7 throughout the period of this study, in some cases 2002,  
8 using approximately 75 percent of waste tires in effective  
9 programs, including use as energy sources, construction  
10 projects from run-off control, and playgrounds to  
11 rubberized asphalt. Of course, recycled content is used  
12 in retreaded tires and programs that recover grindings  
13 from the retreading process.

14           All of these established solutions currently  
15 compete with the more technically complex and challenging  
16 uses such as including recycling waste tires into new  
17 production tires. The purpose of this study was to  
18 determine the current use of recycled content in the  
19 production of new tires. The study included a review of  
20 the work which had been accomplished to date, the  
21 development of a cost benefit analysis, identification of  
22 the technological and economic barriers, and the  
23 identification of potential next steps that the Board  
24 might consider to continue to promote increases in the  
25 percent of recycled content in new tires.

1           As we all know, tires represent a very complex  
2 system where raw materials are blended into a product  
3 which is expected to last for its lifetime without  
4 catastrophic failure. In a single tire, there may be more  
5 than 20 different rubber compounds. These compounds are  
6 molded and vulcanized under extreme heat and pressure and  
7 are chemically changed by this process into the final  
8 product that we have on our vehicles today.

9           The types of rubber compounds differ  
10 significantly between manufacturers. The condition of  
11 rubber changes as a function of time and temperature, such  
12 that a tire located in the waste stream or in a waste dump  
13 may be significantly different in chemical composition  
14 than that same new tire right off the production line. As  
15 such, the inclusion of recycled material, which comes from  
16 an unknown history, an unknown condition, into a complex  
17 new tire system represents a very difficult technical  
18 problem.

19           The study found that although claims of as much  
20 as 85 percent recycled content had been made, less than 5  
21 percent recycled content had actually been accomplished in  
22 new tires. And most of this material came from waste in  
23 the manufacturing process prior to vulcanization of the  
24 tire.

25           The recycled content from the finished tire waste

1 stream is included in new tires through the crumb rubber  
2 process. Of course, as you know, crumb rubber is  
3 developed by taking complete waste tires, grinding them up  
4 very finely, separating out all the steel fabric, all the  
5 contaminants so that only a very refined crumb rubber  
6 product remains. This is done through either mechanical  
7 grinding or cryogenic process and requires a great deal of  
8 energy and technological implementation in order to  
9 produce a material that is now compatible with the  
10 original raw materials which are now molded and configured  
11 and vulcanized into the new tire.

12           The size that's required for new tire production  
13 is a particular cost driver. Sizes of 80 mesh or finer  
14 are necessary to provide a material which is compatible  
15 with the raw materials while retaining the performance  
16 characteristics, the safety, reliability, durability, fuel  
17 economy, all of those original intended raw material  
18 effects in the production of new tire.

19           Studies have determined that the inclusion of  
20 crumb rubber in higher percentages in new tires increases  
21 motion resistance and therefore reduces fuel economy,  
22 reduces braking and traction performance and also  
23 increases wear, meaning as currently within the state of  
24 the art, as crumb rubber percentages are increased, the  
25 rate of wear of the tire -- or the tire simply wears out



1 faster because the inclusion of the crumb rubber is not as  
2 resistant to wear as the original raw materials.

3 To improve the viability of increased recycled  
4 content, a high-quality, low-cost consistent and available  
5 material which is compatible with the uncured raw  
6 materials typically found in new tires must be developed.  
7 Such a material in the quantities and condition that is  
8 required does not currently exist in the volumes that are  
9 required.

10 The state of California is in a unique position.  
11 Because of the number of tires, some 33-some-odd-million  
12 tires that are generated each year, the fact that 8  
13 million of those tires are not currently utilized, there  
14 is a large source of used tires. And also California  
15 represents a very big market of a large use of new tires.

16 So follow on steps that could be considered by  
17 the Board would be to potentially develop a consortium  
18 that would bring together the tire manufacturers, the  
19 crumb rubber producers, and tire recyclers to help  
20 establish a minimum standard for crumb rubber compatible  
21 with new tire production and to ensure availability of  
22 that material so that it could be consistently included in  
23 that production again to produce a quality tire.

24 Another step would be to work to develop new tire  
25 designs and technologies which retain the performance

1 requirements currently required by both federal and state  
2 laws while accepting an increased recycled content. As  
3 discussed earlier, this process of developing a new tire  
4 design with such new technologies is certainly a four- to  
5 six-year process to bring that to fruition.

6           Once that technology is brought to bear and the  
7 recycled content is increased, it will be potentially  
8 appropriate to compare the performance of these newly  
9 designed tires to tires built primarily from raw materials  
10 or with less recycled content.

11           Currently, the technology shows that recycled  
12 content of crumb rubber -- the increase of recycled  
13 content of crumb rubber causes the rubber compounds to  
14 become more susceptible to heat, more susceptible to high  
15 cycling. So it may be possible to define certain uses,  
16 certain applications, certain duty cycles, if you will,  
17 that are more compatible with tires with increased  
18 recycled content. For example, you might not be able to  
19 put such a tire on your Corvette, but you may be able to  
20 put such a tire on a vehicle that's limited to 30 miles an  
21 hour which drives around the city or other dedicated  
22 applications where the operation of the vehicle is  
23 controlled within the limits of performance of this tire.

24           Tests could be conducted to verify that the  
25 performance criteria is met, and then those results could

1 be shared with the public, with the user environment, so  
2 that people would understand and gain confidence that  
3 these tires with increased recycled content would meet  
4 their needs, and they would potentially be willing to  
5 participate in the premium costs that might be associated  
6 with those tires. As right now looking forward,  
7 increasing the recycled content in tires is likely to make  
8 them more expensive to produce than just using raw  
9 materials as currently is expected.

10 And that concludes my remarks. I'm pleased to  
11 answer any questions.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you very  
13 much.

14 Mr. Paparian.

15 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

16 And this is repeating myself from some past  
17 meetings about this issue. But let me -- bear with me for  
18 a minute.

19 You can go across the street right now to the  
20 Good Year facility across the street, and you could buy  
21 recycled content tires. They'd have as much as 10 percent  
22 recycled content according to a statement on the record of  
23 Good Year before this Board.

24 If we were to buy the ones with recycled content  
25 as opposed to the ones that don't have recycled content,

1 if we were to encourage more purchases of those with  
2 recycled content, the average recycled content in tires  
3 sold would be go up. Okay. If everybody bought 5 percent  
4 recycled versus zero percent recycled content, then it  
5 would start going up towards 5 percent recycled contented.  
6 And you can buy those tires off the shelf today.

7           The problem is we don't know which tires those  
8 are. And we had the Rubber Manufacturers Association come  
9 here before this Board in August of 2002 together with a  
10 bunch of tire manufacturers, and we asked them on the  
11 record, "Would you tell us which ones have recycled  
12 content and which ones don't?" And they said, "Yes, we  
13 would." And I guess you went and asked those same folks  
14 that same question, and they said, "We changed our mind."  
15 For some reason they don't want people to know which ones  
16 have the recycled and content and which ones do.

17           I think one of our challenges coming out of this  
18 study is to figure out how to extract the information from  
19 the manufacturers that they promised to give us on the  
20 record that would give us some indication of which tires  
21 have recycled content and which tires don't. Because if  
22 we knew which ones had the recycled content, we certainly  
23 could encourage their use and thereby increase the average  
24 amount of recycled content in tires on the road today.

25           The second issue I wanted to bring up is that

1 even with this report, we've ceded the leadership position  
2 nationally on recycled content in tires to North Carolina  
3 which has a much smaller overall tire program, which has  
4 done a lot of the research -- a lot of the research you  
5 depended on for some of the your conclusion. And as I  
6 understand it, which is continuing in their efforts to  
7 work with manufacturers to increase the recycled content  
8 in tires. They've gotten a lot good information in some  
9 of the studies they've done so far, and they are pursuing  
10 the increase in recycled content in tires.

11 I think that's something we ought to do as well,  
12 and it's something that wouldn't be that hard, given some  
13 of the information we've gotten from your report and,  
14 again, with some of the information that we know, that  
15 there are recycled content tires out there right now that  
16 we may have them on their car. Some of us in this room  
17 have them on our cars, and we don't know it. If we could  
18 figure out what those tires are and encourage their  
19 purchase, we would do a lot to improve the recycled  
20 content in tires in California.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
22 Mr. Paparian.

23 Ms. Peace.

24 BOARD MEMBER PEACE: You mentioned that we need  
25 to put together a consortium of tire manufacturers and

1 recyclers that could develop a standardized quality  
2 control for crumb rubber. Is this something that could be  
3 incorporated into our Product Stewardship Action Plan for  
4 the waste tires that scope of work is considered?

5 DEPUTY DIRECTOR LEE: I think this would be an  
6 excellent idea to use -- a product stewardship initiative  
7 in this area might bear some fruit.

8 Like I said, I think as Mr. Paparian touched on,  
9 we've been kind of rebuffed in our efforts to get the  
10 manufacturers to cooperate with us on this. And it's  
11 going to be -- like I say, it's going to be a difficult  
12 task. And like I said, we need to try some other avenues  
13 to try and get them to work with us in this area. And so  
14 again, I would not be opposed, you know, to trying to  
15 institute some product stewardship initiatives in this  
16 particular area.

17 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

18 BOARD MEMBER PAPARIAN: If I could just follow up  
19 on that. This may be a good time to bring this up. I  
20 know Mr. Lee and I have had this discussion. There was  
21 money for product stewardship in this year's tire plan  
22 which had to get postponed for some legitimate reasons  
23 having to do with how quickly some other product  
24 stewardship related work is being done. So it's our  
25 hope -- or my hope, and I think Mr. Lee shares this, that

1 we would be able to out of the normal -- outside of the  
2 normal reallocation process next year allocate money  
3 towards the product stewardship effort out of the FY 04-05  
4 budget.

5 DEPUTY DIRECTOR LEE: That would be the case.  
6 Staff is supportive of that effort. I think there is  
7 money for a recycling content line item in the 04-05  
8 budget in the tire plan that we think can be construed to  
9 allow this type of approach for that effort.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you.

11 Any other comments?

12 Thank you very much for your report. It was very  
13 informative.

14 That moves us on to Number 9.

15 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

16 Item 9 is Discussion of the RACTC Evaluation  
17 Report Recommendations and Request for Direction for  
18 Promoting the Use of Rubberized Asphalt Concrete.

19 Nate Gauff will make the staff presentation.

20 (Thereupon an overhead presentation was  
21 presented as follows.)

22 MR. GAUFF: Good afternoon, Madam Chair and Board  
23 members. I'm Nate Gauff with the Special Waste Division.

24 Item 9 is Discussion of the RACTC Evaluation  
25 Report and Request for Direction for Promoting the Use of

1 Rubberized Asphalt Concrete.

2 --o0o--

3 MR. GAUFF: What I'd like to do today is talk  
4 about a couple of areas. One, talk about the findings of  
5 the report. Then I will turn the presentation over to the  
6 folks from the Northern and Southern Tech Centers to give  
7 you a little information about their accomplishments to  
8 date. Then I'll come back up and talk a little bit more  
9 about the rubberized asphalt program options and then  
10 staff's recommendation in that area.

11 --o0o--

12 MR. GAUFF: Generally, the staff agrees with the  
13 findings of the evaluation report done by Sjoberg Evashenk  
14 Consulting.

15 --o0o--

16 MR. GAUFF: Some of those findings on the  
17 positive side. They found that the Tech Centers respond  
18 effectively to inquiries from local public agencies. They  
19 attended public workshops and regional workshops that they  
20 organized. They made presentations to individual local  
21 government agencies. And they did also exhibit at trade  
22 shows, some of the larger trade shows, CSAC, League of  
23 Cities, those types of trade shows.

24 They have developed a number of informative and  
25 educational materials that they've also, once again,



1 distributed widely throughout the state. They've  
2 designed, implemented, and maintained a website with a  
3 wealth of rubberized asphalt information. And they've  
4 responded and operated toll-free hot lines and also  
5 responded to e-mail inquiries from local agencies  
6 throughout the state.

7 --o0o--

8 MR. GAUFF: Some of the findings related to needs  
9 improvement, the report mentioned that both Centers tend  
10 to operate in a reactive mode, where the request comes in  
11 from the agency rather than them being a little more  
12 proactive. That leads to the second finding which talked  
13 about having a proactive outreach and marketing program  
14 for publicizing the information related to rubberized  
15 asphalt.

16 The report also found that the Technology  
17 Center's staff work on the Tech Center or on the RAC  
18 Program activities more infrequently, in that they have  
19 other full-time jobs with the county. And, once again, I  
20 think that kind of leads to the as-needed basis.

21 There was a finding that there was  
22 coordination -- that the coordination and collaboration  
23 between the two Centers was not very good and that the  
24 information disseminated was inconsistent and that there  
25 was little, if any, coordination between the Tech Centers

1 and Caltrans.

2 --o0o--

3 MR. GAUFF: I'd like to add a few things. Like I  
4 said, generally the staff agrees with the findings. But  
5 I'd like to clarify a few issues related to those needs  
6 improvement findings, one regarding the full-time staff.

7 When this effort was originally started back in  
8 '97, the Board at that point wasn't sure how consistent or  
9 how continuous the funding was going to be for this  
10 effort. And at that point, even though they had made an  
11 initial commitment of funding, because we didn't know what  
12 the future held, we basically told the Centers don't hire  
13 anybody full-time because we don't know if we're going to  
14 be able to continue it, and we don't want to put the  
15 Centers or the counties in a lurch by hiring full-time  
16 staff that we weren't going to be able to continue to  
17 support. So to their defense, the agreement was made  
18 initially not to have them hire full-time staff and to use  
19 their staff on a part-time basis.

20 As far as the consistency of information is  
21 concerned, I think what's happened in that area and what  
22 the contractor found in the report was that the  
23 information regarding the processes used to produce the  
24 rubberized asphalt varied with Southern California and  
25 with Northern California. And I think the reason for that

1 was the Southern California Center has had a more  
2 extensive use of different types of rubberized asphalt,  
3 namely, they've used the wet process, the dry process, and  
4 the terminal blend process. They have experience with all  
5 three processes. Whereas, the Northern California Center  
6 has primarily had experience with wet process.

7 I don't think the information was contradictory  
8 to any local agency. I think what the Centers were doing,  
9 they were sharing what they felt was going to give each  
10 local agency the best success of their individual  
11 projects. It was based on their own individual experience  
12 and the fact that the L.A. Center had more experience with  
13 all three processes versus the Northern California Center,  
14 is what led to this inconsistency, so to speak, that was a  
15 finding in the report.

16 The last issue which interacts with Caltrans --  
17 and I definitely have to come to the defense of the  
18 Centers in this, because one of the things that we put  
19 together is this information here. It's the asphalt  
20 rubber design and construction guidelines that was a  
21 collaborative effort between industry initially Caltrans,  
22 the Tech Centers, and some of the local government  
23 agencies to find the best way to construct rubberized  
24 asphalt. And Caltrans was definitely involved in that  
25 from the very beginning all the way up until the point

1 where we asked them to sign off to approve the final  
2 version of this document, which they would not.

3           So I have to say in defense of the Tech Centers,  
4 they did, and they have included Caltrans on a number of  
5 issues. And once again, just like the Board has had a  
6 varying relationship with Caltrans, I think the Tech  
7 Centers have also had a varying relationship. But it's  
8 certainly not the fault of the Tech Centers for not  
9 trying. So I just wanted to add some clarification to  
10 some of the findings.

11                               --o0o--

12           MR. GAUFF: At this point I'd like to turn the  
13 presentation over to Brian Ricky from Los Angeles County  
14 Public Works Agency to talk a little bit about the  
15 Southern California Center and then Theran Roshin to talk  
16 about the Northern California Center.

17           CHAIRPERSON MOULTON-PATTERSON: Thank you.

18           (Thereupon an overhead presentation was  
19 presented as follows.)

20           MR. RICKY: Thank you. Good afternoon, Madam  
21 Chair and Board members. My name is Brian Ricky, the  
22 current Director of the Southern California Rubberized  
23 Asphalt Technology Center. And I wanted to bring some  
24 statistical --

25                               --o0o--

1           MR. RICKY:  -- information to you in regards to  
2 the effort that our Center has provided, of which the last  
3 calendar year -- we had two-calendar year contract,  
4 2002-2003, in which our Center was involved and sponsored  
5 15 various workshop events over the Southern California  
6 area.  And we had over 550 attendees come in to see those  
7 workshops.  So I think it's compelling information that we  
8 are successful in transmitting information, along with the  
9 fact that we have attended 15 different conferences and  
10 trade shows and manned vendor booths there on behalf of  
11 the Centers to promote the word of RAC and the use.

12           Along those lines, as Nate indicated, we have  
13 been involved with the creation of several different  
14 informational guides which we provide for inspection and  
15 for general oversight, overview, I should say, of the RAC  
16 process.  And we've distributed over 2100 copies of the  
17 informational brochures, over 1100 copies of the field  
18 inspection guides and of the design and construction  
19 handbooks which you'll see Theran Roshin and the Northern  
20 California Center was involved with over 625 of those  
21 publications.  Again, further testament as to the  
22 information that has been disseminated by our site.

23                               --o0o--

24           MR. RICKY:  Additionally, we're involved in  
25 during those two calendar years for the program incentive

1 opportunities for various cities. And due to the complex  
2 nature of the requirement, we had limited participation.  
3 However, we have \$57,000 that has been provided to ten  
4 various cities with our involvement. We also, as you have  
5 heard, maintain the website and also toll-free hot lines  
6 and so forth. So that website in the two years -- the  
7 last two-year contract, we've had over 392,000 hits, which  
8 is very impressive from a sheer number of interested  
9 parties that have come to see additional information about  
10 RAC.

11           Additionally, we respond to over -- average eight  
12 e-mails per month regarding the usage of RAC in various  
13 levels, whether it's general information, detailed project  
14 information, technical associated.

15           And last, by not least, on our toll-free hot  
16 line, we've averaged over the last two years 30 calls per  
17 month that we respond to. And again, continue to  
18 disseminate that information.

19           We at L.A. County look forward to any revision of  
20 scope with the current contract. Of course, it expired at  
21 the end of '03, so we have extended that through December  
22 of '04 under the current budget, as there were funds that  
23 were left there. So, again, we at L.A. County look  
24 forward to working with the Board in creation or  
25 discussion of the scope of services to continue our

1 relationship with the Board. At this time, I'd like to  
2 introduce Theran Rochin, who is the Director of the  
3 Northern California RACTC.

4 Thank you very much.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.

6 (Thereupon an overhead presentation was  
7 presented as follows.)

8 MR. ROCHIN: Good afternoon.

9 Some of the accomplishments of the Northern  
10 California Technology Center was in the development of SB  
11 1346 actually meeting with Senator Kuehl and help working  
12 on the language of that bill. And as part of that bill,  
13 was to have on the RAC website a way that we could get  
14 users of RAC hooked up with adjacent communities so the  
15 communication could happen with their neighbors. That's  
16 one of the benefits. You could bid your projects  
17 together, share in the economy of scale of those projects,  
18 and that website is almost rolled out. And I have some  
19 statistics on that later on.

20 The production of the design guide and  
21 construction guidelines was a big effort. And as Nate  
22 says, Caltrans, Federal Highways, and industry was at the  
23 table. And this is kind of a soup to nuts how you do RAC,  
24 how you successfully place RAC. And there was also a  
25 series of appendices that goes with this that's posted on

1 our website. It sites previous studies from around the  
2 world on asphalt rubber.

3 Our Northern California Tech Center has conducted  
4 over 30 individual seminars with local agencies. And  
5 while I'm the manager of the Technology Center, really  
6 what you get is a team. If I meet with an individual city  
7 and they say, you know, "I'd really like my inspector to  
8 talk to a county inspector," I make that connection  
9 happen. I can put designers together. I can put lab  
10 technicians together. So it's, you know, that government  
11 talking to government, subject matter experts being able  
12 to meet individually.

13 We've also had other jurisdictions come up to  
14 Sacramento County and observe the construction of one of  
15 our RAC projects. And we've been placing rubberized  
16 asphalt for over -- this is our twelfth season now placing  
17 the product.

18 --o0o--

19 MR. ROCHIN: I mentioned that website. What will  
20 be up there as short as next week is you go to the State  
21 of California and then go to find your individual county,  
22 and then that county will pop up, and you would have  
23 cities highlighted where rubberized asphalt has been  
24 placed. Then there will be contact information for each  
25 of those cities and what projects were actually placed.



1 So if I'm in a neighboring city and I know my neighbor has  
2 done asphalt rubber, I know who to call, where they've  
3 placed it, and I can go over there and meet with them.

4 We contacted over 1700 individuals from agencies  
5 up and down the state and have information on 44 separate  
6 agencies on the rubberized asphalt projects they've  
7 placed. And we also -- we didn't get this from Caltrans.  
8 We got this from industry -- 231 Caltrans projects where  
9 they placed asphalt rubber. That will be posted on our  
10 website as well.

11 --o0o--

12 MR. ROCHIN: Back to our outreach efforts. We've  
13 conducted several more formal seminars. These are  
14 day-long events where you have over 70 attendees. We've  
15 done them in San Jose, Fresno, Lake Tahoe, and the city of  
16 Oakland. And we have one planned this summer up in  
17 Redding.

18 At these seminars there is a series of Power  
19 Point presentations that are given. And what we've done  
20 is we contracted with a company to take those Power Points  
21 and then have an audio -- you know, the speech that goes  
22 with it combined with that. And we've produced over 1,000  
23 CDs of that Power Point presentation. So you don't have  
24 to go to a seminar. We're going to mail these out. And  
25 you can sit at your desk and attend a seminar at your own

1 leisure. That will be ready to go out very, very shortly.

2 The CDs are in production now.

3 Another thing we've accomplished is noise

4 studies. In my opinion, noise reduction with asphalt

5 rubber is the biggest market increase that this -- I mean,

6 the recycling aside, the engineering properties aside,

7 it's just very compelling. We did a six-year noise study

8 and has successfully had that as a mitigation measure on a

9 large number of our projects. The city of Thousand Oaks

10 also had a study. So we did a ten-year follow-up on the

11 validation of the noise reduction. And it bared very good

12 results. So the Northern California Tech Center funded

13 that study.

14 --o0o--

15 MR. ROCHIN: Another kind of a threat to the

16 market was the air emissions associated with production of

17 asphalt rubber. And there was a project up in Eureka,

18 California, where the local Air Resources Board was

19 questioning whether asphalt rubber met their emission

20 guidelines. So we got a call from Nate Gauff, and very

21 quickly, we contacted with a consultant to go up and do

22 air emission testing on that plant during the production

23 of asphalt rubber and compared it to conventional and

24 shared that information with the Air Resources Board. And

25 that allowed to asphalt rubber to continued to be produced

1 without any special permitting.

2 As Brian mentioned, we respond to our toll-free  
3 hot line and any e-mails that come in. And you know,  
4 statistics are one thing, but then there's a lot of  
5 follow-up that goes on there. And you almost establish a  
6 relationship with individual jurisdictions. And as they  
7 get questions in the future, they call you directly.

8 We've linked the RAC Tech Center website on the  
9 other websites, the American Public Works Association,  
10 Consulting Engineers, and Land Surveyors of California,  
11 American Society of Civil Engineers, and the Metropolitan  
12 Transportation Commission which is in the Bay Area, kind  
13 of a nine-county transportation authority.

14 And then we've developed a very comprehensive  
15 list of training modules for Power Point presentations. I  
16 think we have over 150 different modules that show  
17 examples of what an inspector needs, what a designer  
18 needs, and what a laboratory technician requires.

19 --o0o--

20 MR. ROCHIN: And I'll just show you a few  
21 examples of some of these modules we've developed.

22 --o0o--

23 MR. ROCHIN: There you see the 2,000 tires per  
24 lane mile with the two-inch over lay.

25 --o0o--

1           MR. ROCHIN: Here's the large blender unit that  
2 moves from project to project.

3                               --o0o--

4           MR. ROCHIN: Some of the things that an inspector  
5 will be looking for during the production. So we provide  
6 them education about what to be looking for in the  
7 production of rubberized asphalt. So you do get a  
8 successful project.

9                               --o0o--

10          MR. ROCHIN: Again, some more things that the  
11 inspector needs to be looking at.

12                               --o0o--

13          MR. ROCHIN: And then the placement of the  
14 material. This is probably the most key feature to a  
15 successful project.

16                               --o0o--

17          MR. ROCHIN: So Brian and I will be available for  
18 any questions you may have. And I'll turn the program  
19 back over the Nate.

20          CHAIRPERSON MOULTON-PATTERSON: Thank you for  
21 those excellent presentations. That sounds like you're  
22 doing a good job.

23          MR. GAUFF: Okay. As you see on the overhead,  
24 there's basically three options laid out. And these  
25 really are similar to the recommendations that came out of

1 the evaluation report.

2 First option being to continue the current RACTC  
3 structure and implement the recommendations of that  
4 evaluation report. Specifically, some of the  
5 recommendations were that if we continue the current  
6 structure, that we have the Tech Centers develop a  
7 strategic plan related to the outreach and providing  
8 services. That also we develop some additional  
9 performance measures and tracking processes and develop  
10 and implement a more proactive outreach and rubberized  
11 asphalt promotion campaign. Those are some of the  
12 recommendations if we chose to maintain the current  
13 structure.

14 The second option for providing the rubberized  
15 asphalt services would be to split the duties between the  
16 rubberized asphalt Tech Centers and then having a separate  
17 like industry expert contracted, similar to like the Dana  
18 Humphries contract for the tire-derived aggregate, so that  
19 the Tech Centers would continue most of the duties they've  
20 shown proficiency in, The e-mail and website response,  
21 website maintenance, as-needed consulting or technology  
22 transfer workshops.

23 And then the industry expert would take over more  
24 of the proactive outreach and marketing and developing  
25 that strategy and also overseeing demonstration project --

1 demonstration program where there would be demonstration  
2 projects with targeted local governments that haven't used  
3 rubberized asphalt to get on board and get the process  
4 started with those jurisdictions.

5           The third option would be very similar to the  
6 second in that instead of having the Tech Centers  
7 involved, Board staff would take over their duties with  
8 the website e-mail and phone response and dissemination of  
9 informational materials and things like that that have  
10 already been developed. And then, once again, we'd either  
11 provide some of the -- the staff would either develop the  
12 outreach program or contract out with an industry expert.  
13 These are basically the three options that came out of the  
14 evaluation report.

15           The last part of that is the staff recommendation  
16 basically for consideration and for discussion purposes  
17 that staff would recommend that the incorporate the Tech  
18 Centers in a reduced roll -- we've already discussed this  
19 with the Tech Centers. And that they would perform the  
20 duties that, once again, they've shown more the  
21 proficiency in. And that we would go out with an RFP or  
22 an RFQ for an industry expert to come and provide the  
23 targeted outreach and rubberized asphalt marketing  
24 services and also provide technical consulting and  
25 oversight of the demonstration project program. So with

1 that, I'd like to open it up to questions, comments.

2 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

3 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

4 And I think this was a very helpful presentation.

5 I think that the report that we had that I think most of  
6 the Board members liked last month included some  
7 additional nuances to what you suggested in terms of  
8 things like developing some of the outreach tools and  
9 benchmarks for performance measures for the Centers and so  
10 forth.

11 I think we heard from the Centers there were  
12 others who contributed to the report. And I think quite a  
13 few folks would have an interest in what we do in terms of  
14 implementing those recommendations. Some of them are here  
15 in the audience today. I think some of them are probably  
16 scattered around the state, too. I think this would be an  
17 item that would be ripe for one of our round table  
18 discussions. Maybe we ought to have a round table on  
19 rubberized asphalt and include a session on how to  
20 implement the recommendations of the RAC Center report.

21 And the thing I want to make sure of is that we  
22 don't lose site of a lot of the recommendations that were  
23 in there, which I think were very positive and will help  
24 build on a lot of the good work that's already been done  
25 by the RAC Centers and move us forward in improving that

1 work into the future.

2 So my suggestion is that one of our round tables  
3 be focused on RAC with some emphasize on this RAC Center  
4 report, so we hear suggestions from the range of  
5 stakeholders on RAC issues about what we can do to improve  
6 the RAC Centers.

7 CHAIRPERSON MOULTON-PATTERSON: Good suggestion,  
8 Mr. Paparian.

9 Anything else?

10 I feel the Board agrees with you with the  
11 direction we want to go in is Option 1 with the  
12 recommendations and also the workshop Mr. Paparian  
13 suggested.

14 Thank you for a very good presentation.

15 At this point in the agenda, I think we'll be  
16 taking a break.

17 However, I understand some Board members might  
18 like a very, very brief closed session on item number --  
19 before we take up Item Number 11. So we'll take about a  
20 ten-minutes break, and the Board will go into a very brief  
21 closed section, and then we'll come back out and do Number  
22 11.

23 (Thereupon a recess was taken.)

24 CHAIRPERSON MOULTON-PATTERSON: We're going to  
25 call the meeting back to order.



1 Ms. Peace, do you have any ex partes?

2 BOARD MEMBER PEACE: I'm up to date.

3 CHAIRPERSON MOULTON-PATTERSON: I'm up to date.

4 Mr. Paparian.

5 BOARD MEMBER PAPARIAN: I spoke with Mr. Takallou

6 regarding the RAC centers and the Tire Product

7 Commercialization Grants.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.

9 Mr. Washington.

10 BOARD MEMBER WASHINGTON: I'm up to date.

11 CHAIRPERSON MOULTON-PATTERSON: We're on Item

12 Number 11 now.

13 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

14 Item 11 is Discussion of Current Status of

15 Remediation of the Tracy Tire Fire.

16 Todd Thalhammer will make the presentation.

17 (Thereupon an overhead presentation was

18 presented as follows.)

19 MR. THALHAMMER: Good afternoon, Madam Chair and

20 Board members.

21 I believe I have three minutes, I guess, Carl.

22 I'll try to do this quickly.

23 --o0o--

24 MR. THALHAMMER: Just as a perspective, we'll

25 talk a little bit about the Tracy tire fire, the history

1 of the fire, the fire suppression, the removal, and some  
2 of the costs associated with the project. I do have a  
3 short 15-second clip from The Most. We'll see if we can  
4 get this to work.

5 (Thereupon a video clip was played.)

6 MR. THALHAMMER: And I can answer that question,  
7 two-and-a-half years.

8 We're doing it again, aren't we? I love  
9 technology.

10 (Thereupon a video clip was played.)

11 MR. THALHAMMER: Okay. Once again,  
12 two-and-a-half years.

13 --o0o--

14 MR. THALHAMMER: Quickly as an overview, this was  
15 an aerial photograph taken by the USGS in the early 1980s.  
16 We found this doing some research. This was the actually  
17 operation at the Doug Royster fire tire site.  
18 Approximately seven to eight million tires were stored on  
19 the facility.

20 --o0o--

21 MR. THALHAMMER: Again, can you see some quick  
22 overview of the site, the storage processing facility.

23 --o0o--

24 MR. THALHAMMER: On August 7th, 1998, the fire  
25 erupted. Of course, this was Friday at 4:00.

1 --o0o--

2 MR. THALHAMMER: Severe environmental impacts.

3 We had smoke visible up to 30,000 feet. I do know the FFA  
4 was redirecting traffic in and out of Oakland due to the  
5 smoke columns.

6 --o0o--

7 MR. THALHAMMER: In December of 2002, the Board  
8 directed the Solid Waste -- or the Special Waste to  
9 actually suppress the fire. We hired Tracy Fire  
10 Department and Sukut Construction and actually suppressed  
11 the remaining fire in six days.

12 --o0o--

13 MR. THALHAMMER: Again, the cost for that  
14 particular suppression was \$450,000.

15 --o0o--

16 MR. THALHAMMER: As of right now, we have 13  
17 acres of contaminated material on the ground;  
18 approximately 135,000 cubic yards of hazardous waste,  
19 which works out to about 150 to 160,00 tons of hazardous  
20 waste on the ground.

21 This is at the site before we started the  
22 cleanup.

23 --o0o--

24 MR. THALHAMMER: Summarizing, the Board awarded  
25 two contracts; one for the removal of the removal, and one

1 for environmental services.

2 --o0o--

3 MR. THALHAMMER: We broke the scope of work. We  
4 broke the project into three phases. Phase one being  
5 pretty much a set up and removal of about 80- to 90,000  
6 used oil filters and other metal debris this was left over  
7 from the fire. We're currently in phase two, which  
8 includes the removal of the grows contamination, the tire  
9 ash. And A good note here, we're not finding much  
10 paralytic oil and other issues that are on the site.

11 --o0o--

12 MR. THALHAMMER: We broke up the site into three  
13 zones. We had the green zone, yellow zone, and the red  
14 zone. To date, we've removed 80 percent of the surface  
15 hazardous waste. So all the green area and the yellow  
16 area have been completed. The remaining area is the  
17 target in the red to complete.

18 --o0o--

19 MR. THALHAMMER: During the project, I found it  
20 quite amusing, we had some very interesting unknowns.  
21 Besides the lead ingot and other contaminated metal that  
22 we found from his operation of taking the lead weights off  
23 the tires and melting them, upper right was a legal  
24 disposal site where he was dumping household trash and  
25 other debris. Bottom right-hand side, the reason he's not

1 in Tyvek is that we did do a haz cat on the drums and  
2 pieces and parts. Those are actually just old tar. But  
3 we found numerous drums, 40- to 50,000 buried tires. We  
4 thought all the tires had actually burned. He actually  
5 had a pit where he dug them up and buried them. And then  
6 numerous unknown piles which cost a lot of time and  
7 assessment.

8 --o0o--

9 MR. THALHAMMER: Remaining costs for phase two,  
10 we've got approximately 85,000 tons of Cal Haz we still  
11 have to dig out, which as of today it's about 40,000 tons.  
12 We have about 20,000 tons of contaminated soil, which is  
13 just under the California hazardous criteria, and then  
14 excavation, loading, monitoring site support.

15 --o0o--

16 MR. THALHAMMER: After that's all said and done,  
17 we have phase three. Just wanted to give you a brief  
18 input on this is that a lot of the work in phase three is  
19 pending DTSC's determination of what's clean. In other  
20 words, what are our cleanup levels? We are actually in  
21 gross contamination and removal. So you can get a couple  
22 shots here of the actual clean facility, and all of the  
23 samples have come back this is no longer hazardous waste.  
24 However, there is elevated heavy metals, and primarily  
25 zinc.

1 --o0o--

2 MR. THALHAMMER: This is the remaining cost.  
3 Phase two and phase three 9.3 million remaining in the  
4 contract. The removal contract is 3.7 million, and  
5 funding required for the entire project is approximately  
6 5.5 million.

7 --o0o--

8 MR. THALHAMMER: At this time particular, if  
9 there's any questions or comments --

10 CHAIRPERSON MOULTON-PATTERSON: Questions?

11 Mr. Paparian.

12 BOARD MEMBER PAPARIAN: So the costs that are  
13 remaining, the five-and-a-half million -- you've got 3.7  
14 million right now to spend. About how much are you  
15 spending a month?

16 MR. THALHAMMER: The month totals vary. And the  
17 reason I say that is that if we start into a  
18 transportation and haul program -- right now we're  
19 actually digging the material out of the ground. Once you  
20 start transportation haul, we're spending about somewhere  
21 in the neighborhood of 250 to 300,000 a week. We can  
22 spend upwards to a million to a million-and-a-half a  
23 month.

24 BOARD MEMBER PAPARIAN: Between now and the end  
25 of the fiscal year, in the next month and a half, sounds

1 like up to about \$2 million? Or do you have any better  
2 idea on that?

3 MR. THALHAMMER: We'll spend approximately about  
4 that until July 1.

5 BOARD MEMBER PAPARIAN: Up to a couple million  
6 dollars?

7 MR. THALHAMMER: Yeah. It really depends upon  
8 the transportation in the haul right now. We still have  
9 40,000 cubic yards in the ground that needs to be hauled  
10 out. We haul some. We dig some. It's a process where we  
11 go back and forth.

12 BOARD MEMBER PAPARIAN: With the estimates you  
13 have here, the five-and-a-half million, 9.3 million, how  
14 long will it take, are you estimating, to clean up the  
15 site, spend whatever amount of money it takes, and get it  
16 cleaned up?

17 MR. THALHAMMER: If all the funding was, say --  
18 for instance, currently right now all the funding was  
19 placed in the contract, we would finish the California  
20 hazardous waste and some contamination under phase two  
21 sometime in September-October. At that point, we have to  
22 then go out for phase three, because we have to go back to  
23 the Department of Toxics and the Regional Water Board to  
24 determine our cleanup levels.

25 Because, again, we just took off the gross

1 contamination. The very hazardous waste is now gone. We  
2 have to go back through the process to determine what  
3 truly is clean. And that's a whole particular set of  
4 additional samples and a whole set of calculations that  
5 have to be performed, not by our agency, but DTSC and the  
6 Regional Water Board. With that process, it's another six  
7 to eight months. We're looking at another two years  
8 before we finish.

9 BOARD MEMBER PAPARIAN: So by the end of  
10 September, you would have spent a little over \$7 million?

11 MR. THALHAMMER: Seven million dollars worth of  
12 work remaining, correct.

13 BOARD MEMBER PAPARIAN: For phrase two?

14 MR. THALHAMMER: For phase two.

15 BOARD MEMBER PAPARIAN: Which you complete in  
16 September-October. And then a couple more years after  
17 that to spend the remaining \$2 million.

18 MR. THALHAMMER: It would basically be the next  
19 construction season, which would be next year. That would  
20 be the summer of '05.

21 BOARD MEMBER PAPARIAN: So starting, say, June  
22 '05 through September-October '05?

23 MR. THALHAMMER: Yeah. Again, it would depend  
24 upon the funding allocation and mechanisms.

25 BOARD MEMBER PAPARIAN: Okay. Thanks.



1           CHAIRPERSON MOULTON-PATTERSON: Any other  
2 questions?

3           DEPUTY DIRECTOR LEE: Madam Chair, could I just  
4 ask Todd to clarify a couple other points for the Board's  
5 benefit here.

6           Todd again, the five-and-a-half million is  
7 funding over and above what we have available at this  
8 particular juncture. And it does -- and out of this, we  
9 might be able to knock off 2.7 out of 04-05 allocation.  
10 Is that correct?

11          MR. THALHAMMER: That's correct.

12          DEPUTY DIRECTOR LEE: Could you also discuss the  
13 relationship of the Levine Fricke contract for this work?

14          MR. THALHAMMER: We have two contracts; one as a  
15 removal contract and one as an environmental support  
16 contract. Again, we're asking for additional funds on  
17 environmental support. Environmental support does the  
18 soil sampling, health and safety required, air sampling.  
19 So we have some additional funding requirements through  
20 the environmental services as well.

21          DEPUTY DIRECTOR LEE: Would you also clarify the  
22 situation with regards to 9.3 is the current estimate of  
23 what the cleanup cost is. But there are some unknowns  
24 that would cause the cost to increase over this amount.

25          MR. THALHAMMER: Yes. The 9.3 doesn't include

1 any groundwater monitoring or extractions. Currently,  
2 night now the data is showing it's clean. But we have to  
3 go through a three-year monitoring process in order to  
4 show that. Additionally, we may have a lot lower cleanup  
5 levels than we're participating. But we won't know that  
6 until we go through the Department of Toxics.

7 CHAIRPERSON MOULTON-PATTERSON: I don't see any  
8 other questions or statements. Thank you.

9 MR. THALHAMMER: Thank you. The site is  
10 available for staff visits and tours. We are actually in  
11 a very dynamic sense right now.

12 CHAIRPERSON MOULTON-PATTERSON: Thanks.  
13 That takes us right to Item 12.

14 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.  
15 Item Number 12, last, but not least.

16 CHAIRPERSON MOULTON-PATTERSON: Oh, excuse me.  
17 Before I begin -- before you begin Number 12, I want to  
18 make sure all members are okay with Number 23, otherwise  
19 we'll need to hear 23 first. Because if there's a  
20 problem -- Mr. Leary.

21 EXECUTIVE DIRECTOR LEARY: If I might. Agenda  
22 Item 23 asks for an award out of the Tire Management Fund.  
23 If the Board had any concerns about that, we'd like to  
24 know that now. That funding could then be factored into  
25 the reallocation item, if we didn't award it via the

1 interagency agreement with the California Departments of  
2 Parks and Recreation.

3 Staff recommendation is, of course, to make the  
4 award. So that money would be expended. But if you have  
5 a sense that you have difficulty with that item, we  
6 probably ought to go ahead and hear it so -- it doesn't  
7 look like we do.

8 CHAIRPERSON MOULTON-PATTERSON: Does anyone have  
9 a problem? I mean, we probably should do it before. I  
10 mean, we can't really predict.

11 EXECUTIVE DIRECTOR LEARY: Jim, is there any  
12 problem with taking up 23 now?

13 DEPUTY DIRECTOR WOHL: We're prepared to do that.

14 CHAIRPERSON MOULTON-PATTERSON: We don't expect  
15 any testimony on this.

16 Let's go to 23 then.

17 DEPUTY DIRECTOR WOHL: Patty Wohl with the Waste  
18 Prevention and Market Development Division.

19 Agenda Item 23 is Consideration of Scope of Work  
20 and Interagency Agreement with California Department of  
21 Parks and Recreation for the Purchase, Installation, and  
22 Performance Evaluation of Sustainable Building  
23 Tire-Derived products.

24 And Kristen McDonald will present.

25 MS. McDONALD: Good afternoon, Madam Chair and

1 Board members. My name is Kristen McDonald. I'm with the  
2 Sustainable Building Program.

3 As Patty said, this item is for consideration of  
4 scope of work and interagency agreement with California  
5 Department of Parks and Rec in the amount of \$153,600.  
6 The funding for this contract is from the revised  
7 Five-Year Plan for the Waste Tire Recycling Management  
8 Fund, which includes a yearly allocation for this  
9 Sustainable Building Program to promote the use of  
10 building products made of recycled rubber from  
11 California's waste tires.

12 California Department of Parks and Recreation  
13 will be installing various recycled rubber products in  
14 approximately 35 sites throughout the Southern California  
15 park district. Some of the products to be incorporated  
16 into the various projects include anti-fatigue matting,  
17 wheel stops, boat ramp mats, rubber sidewalks, locker room  
18 mats, ADA ramps that include matting products to put on  
19 top of the sand so that wheel chairs have better access to  
20 the water.

21 This project is being used as a learning tool not  
22 only for the Board, but also the Parks Department and all  
23 visitors of the various parks that will be benefiting from  
24 these funds. They'll provide an evaluation report at the  
25 conclusion of the contract providing at a minimum: The

1 ease of locating and purchasing the various tire-derived  
2 products; the durability of the products; the ease of  
3 working with and maintenance of the products installed;  
4 the results of the park user survey, which will include  
5 visitor and park staff; and successes and lessens learned  
6 during the projects.

7           The desired outcome of this contract is for Parks  
8 and Rec to use these funds to fulfill their current needs,  
9 the facilities needs also using the sustainable products  
10 with the intent of hopefully making the products  
11 mainstream throughout the State Park System.

12           With that, staff recommends the Board approve  
13 Options 1 and A and adopt Resolutions 2004-140 and  
14 200-141.

15           This concludes my presentation. I'm available  
16 for questions.

17           CHAIRPERSON MOULTON-PATTERSON: Thank you.

18           Ms. Peace has some questions.

19           BOARD MEMBER PEACE: Did you say there will be an  
20 evaluation at the end of the contract period, which is  
21 what? Two years?

22           MS. McDONALD: Yes.

23           BOARD MEMBER PEACE: And were you able to figure  
24 out how we go about getting an evaluation on how these  
25 things are performed, say, in five years and in seven

1 years or ten years? I don't think two years is long  
2 enough to really evaluate how these things are working and  
3 really holding up.

4 MS. McDONALD: Right. Because of the funding  
5 terms and when the funds revert and have to be spent by,  
6 in the past we've just been able to kind -- we've just  
7 done it up until the time the contract expires.

8 One option, you know -- I talked with Parks and  
9 Rec about doing, like, an evaluation form each year, you  
10 know, something like we can do a template that they kind  
11 of fill out and say, you know, what they're evaluating,  
12 what they've done, how it's holding up maintenance, how  
13 it's being accepted in the parks. That's one way we can  
14 do it.

15 They said they would be -- from this  
16 perspective -- I mean, she can't speak for who might be  
17 doing the job in five years. But she said it didn't seem  
18 like it would be a problem for her to, you know, carry  
19 that out for five years and, you know, each year submit a  
20 report to us that says how it's holding up and how -- you  
21 know, if they're happy with it or not and how it's being  
22 accepted by the park users.

23 You know, the other option is that we award money  
24 five years from now to some of these grantees that have  
25 done pilot projects for us and have them, you know, do a

1 more thorough evaluation of the products that they've  
2 installed. I think that's more of kind of a Board -- how  
3 you guys want us to proceed with that. We're happy -- it  
4 would be very beneficial to us, especially in our program,  
5 to know how these materials are holding up so we can  
6 recommend those to --

7 BOARD MEMBER PEACE: How do we go about doing  
8 that, asking staff in five years, seven years, ten years,  
9 we want to know how things are holding up? Will we make  
10 it a general policy of the things we do? What's the best  
11 way do you think to handle this?

12 MS. McDONALD: I would hope we could get that  
13 from the Board to -- you know, or legal to let us know how  
14 we can go about kind of enforcing something once the  
15 contract has expired, and we don't really that leverage  
16 anymore.

17 DEPUTY DIRECTOR WOHL: Madam Chair.

18 CHAIRPERSON MOULTON-PATTERSON: Yes.

19 DEPUTY DIRECTOR WOHL: Patty Wohl.

20 Probably like a Five-Year Plan for us, we need to  
21 put it out there as a future tickler file item. It  
22 obviously is contingent on having funds. But given that  
23 there are funds available, I think we would make it a  
24 priority project for us and then kind of keep track of the  
25 ones we've done and say we're at a point now where we'd

1 like to do a measurement grant and come back to you with  
2 that recommendation. But it is nice to know this  
3 particular grantee is willing to do that voluntarily. So  
4 we will probably get the benefits of it for that project.

5 BOARD MEMBER PEACE: If you'd start a tickler  
6 file of not only this one but other ones we want to come  
7 back in five years, seven years, ten years, and just ask  
8 them how the things are performing.

9 DEPUTY DIRECTOR WOHL: Sure. I think that's  
10 probably the easiest that I would recommend at this point.

11 BOARD MEMBER PEACE: Does that have to be an item  
12 you bring before us or is that?

13 DEPUTY DIRECTOR WOHL: That's right. Typically  
14 when Market staff has dollars available, we have to bring  
15 an item forward to you. And we can probably do it in  
16 three years, because it would be another two, year item.  
17 So we could say we'd like an evaluation at year three and  
18 then at the end of this process again at year five or  
19 every year for that contract or something. So we'll just  
20 keep that in mind.

21 BOARD MEMBER PEACE: It seems like any grant  
22 funding that we do for pilot projects that we should get  
23 some long-term performance reviews on it, because  
24 two years really isn't long enough.

25 DEPUTY DIRECTOR WOHL: I don't know if Legal has



1 any comments. We about did talk about this issue with  
2 them. We are under this constraint that you sign a  
3 contract for two years and really beyond that, it's hard  
4 to leverage something if the life of the contract is over  
5 so --

6 BOARD MEMBER PEACE: I believe it was something  
7 we did. Start a tickler file and you know in three years,  
8 five years, ten years we need to go back and send them a  
9 survey. And if they don't fill it out, we need to follow  
10 up and call and --

11 DEPUTY DIRECTOR WOHL: Right. Would probably  
12 could do it without a grant for that matter. We could  
13 probable just say, "You received a grant from us three  
14 years ago. Tell us about how that product is holding up  
15 now." We might not get 100 percent, but we might get  
16 enough to start getting some data that would help us.  
17 We'll just make it part of our work now.

18 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

19 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

20 I'd like to move adoption of Resolution 2004-141,  
21 -- 140. I'm sorry. There's two resolutions. First of  
22 all 2004-140, Consideration of the Scope of Work for the  
23 Purchase, Installation, and Performance Evaluation of  
24 Sustainable Building Tire-Derived Products.

25 CHAIRPERSON MOULTON-PATTERSON: Second.

1 Motion by Paparian, seconded by Moulton-Patterson  
2 to approve Resolution 2004-140.

3 Seeing no opposition, substitute the previous  
4 roll call.

5 BOARD MEMBER PAPARIAN: Madam Chair, I'd like to  
6 move adoption of Resolution 2004-141, Consideration of the  
7 Contractor for the Interagency Agreement.

8 CHAIRPERSON MOULTON-PATTERSON: Second.

9 Please substitute the previous roll call.

10 Okay. Now we're back to Number 12.

11 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

12 Again, last, but not least, Board Item 12 is  
13 Consideration of Concepts to be Funded --

14 CHAIRPERSON MOULTON-PATTERSON: No. We have  
15 Number 2 we have to go back to. Is that yours? Is that  
16 yours?

17 DEPUTY DIRECTOR LEE: Yeah. That one's not mine,  
18 thankfully, Madam Chair.

19 Be funded from the Reallocation of Unused Fiscal  
20 Year 2003-2004 Waste Tire Recycling Management Program  
21 Funds.

22 The Board adopted the Fiscal Year 2003-2004 tire  
23 fire fund allocation on May 14th, 2003, as part of  
24 adopting the Five-Year Plan. For Fiscal Year 2003-04, the  
25 Board allocated \$22,975,000 from the Tire Fund for

1 consultant professional service activities. Funds have  
2 been encumbered in various contracts, interagency  
3 agreements, and grants agreements. There are, however,  
4 unencumbered funds available in all five of the Five-Year  
5 Tire Plan elements as set forth in Tables 1 and 2 of the  
6 agenda item. Staff is seeking Board direction for  
7 redistribution of these unencumbered funds.

8 Unless there are specific questions with regards  
9 to these tables describing where the funds are coming into  
10 reallocation, I'd like to proceed directly to Table 3 of  
11 the agenda item, which is the heart of the matter and  
12 discuss some of staff's recommendation for the  
13 reallocation.

14 First a couple of -- Sally, can you pull that up  
15 on the monitor?

16 --oOo--

17 DEPUTY DIRECTOR LEE: First, I'd like to note  
18 that staff originally identified \$4,575,454 in funding  
19 available for reallocation. However, a total of  
20 \$5,575,454, including an additional \$1 million from the  
21 emergency reserve could be reallocated contingent upon no  
22 emergency situations occurring by June 30th, 2004. These  
23 options are displayed as Option A and B in the  
24 spreadsheet.

25 However, pursuant to the Board's earlier action

1 on the Local Tire Enforcement Grants, we need to have a --  
2 include a line item in there for the Board's consideration  
3 of the funds to be reallocated to that purpose.

4 Also, I'd like to make note that the funds --  
5 there was a change in the fund request for the OEHHA  
6 sustainable building contract, bringing that to a total of  
7 \$400,000 being requested.

8 The agenda item notice discusses various Board --  
9 staff recommendations for how the money should be  
10 appropriated. Staff would note there are some requests  
11 that we feel -- some proposals that are more equal than  
12 others, at least in our eyes. Again, we feel very  
13 strongly about the amounts going to Sukut Construction for  
14 the Tracy remediation, the California District Attorney  
15 Association extension of their grant agreement,  
16 Augmentation of the Student Contract, the DGS State Fleet  
17 Management Proposal, and the Levine and Fricke contract,  
18 which is part of the Tracy remediation. The other items  
19 are what staff would characterize as being equal with  
20 regards to the importance that we attach to them. And we  
21 would await the Board's determination of how they would  
22 like to deal with that.

23 I guess unless there's specific questions on a  
24 particular item, I'd just like to ask the Board if they  
25 have proposals they'd like us to consider for these

1 various items, and then suggest we walk through them one  
2 by one so we can get a consensus on each line item.

3 CHAIRPERSON MOULTON-PATTERSON: We do have a  
4 number of public speakers.

5 Would the Board like to hear those before they  
6 start? I think it would be appropriate.

7 Phil Wyels, CalePA Child Care Center.

8 MR. WYELS: Thank you. And good afternoon, Madam  
9 Chair and Board members. I'm Phil Wyels. I'm with Kid  
10 Ease, which is the organization that CalePA created to  
11 oversee the CalePA Child Care Center.

12 We're here to help you -- or to ask you to help  
13 us make the Child Care Center really a model for green  
14 building principles and an on-site demonstration area for  
15 both recycled waste tire products and also other high  
16 recycled content products.

17 First, I do want to thank all of you for your  
18 generous commitments of time and money personally to help  
19 us to raise the funds to complete the Child Care Center  
20 and for taking time out of your busy schedules to come and  
21 visit the Center and take a tour. I also want to thank  
22 your staff for their support in bringing our request  
23 forward.

24 I'll be as brief as I can, because I know you  
25 have obviously a very long agenda?

1           The CaleEPA Child Care Center really is an  
2 excellent facility. In fact it was recently named the  
3 Child Care Center of the Year for all of Sacramento  
4 County. Unfortunately, when the CaleEPA building was  
5 built, they ran out of funds to complete the outdoor play  
6 areas. In order to allow children to use the center right  
7 away, they ended up installing two small wood chip areas.  
8 And we provided a small backyard style play structures as  
9 a stop gap measure.

10           For three years now, we've been frantically  
11 raising funds, as you well know. In fact, we have a Book  
12 Fair tomorrow to complete the outdoor areas with  
13 appropriately-sized commercial-quality play structures and  
14 the appropriate protective surfacing for the children at  
15 the Day Care Center.

16           Our proposal today is based on this. We've  
17 already raised about \$30,000 for the outdoor areas. We're  
18 asking the Waste Board for an additional \$32,000 dollars  
19 of unallocated funds. That would pay for recycled waste  
20 tire protective surfacing to complete the project. That  
21 money would enable us to spend the money we've already  
22 raised on play structures that are manufactured here in  
23 California, have a very high recycled content, and put  
24 those in together with the recycled waste tire protective  
25 surfacing.

1           The structures that we plan on purchasing are  
2 more expensive than other structures. But we feel it's  
3 appropriate to really demonstrate CalePA's commitment to  
4 high recycled content materials and green building  
5 principles.

6           The proposal that we have in front of you today  
7 is virtually identical to another project that the Waste  
8 Board funded in 01-02 out of unallocated funds, and that  
9 was for the East End Complex Child Care Center for  
10 protective surfacing. Again, I want to thank you for your  
11 time. If you have any questions, I'd be happy to answer  
12 them for you.

13           CHAIRPERSON MOULTON-PATTERSON: Ms. Peace.

14           BOARD MEMBER PEACE: You were saying the reason  
15 that you couldn't use sand instead of using the rubberized  
16 asphalt, you know, surface is because you have to move the  
17 play structures out to give the appropriate fall  
18 allowance?

19           MR. WYELS: Right.

20           BOARD MEMBER PEACE: And that to move them out,  
21 they would be hitting concrete?

22           MR. WYELS: That's right, Board Member Peace.  
23 The areas that are designed right now for the fall zones,  
24 which are required by state regulation, you're required to  
25 have a protective cushioning fall area surrounding any

1 play structure. The areas now are wood chip -- tanbark  
2 wood chips. They're surrounded by cement.

3 The problem that we have is in order to put in a  
4 large enough play structure there to accommodate the  
5 number of children is that we would have to expand it into  
6 the area where there is currently cement. And so the  
7 problem with doing that is that the property managers have  
8 told us that they're not sure where the utility lines are  
9 running under that cement. So they're not going to give  
10 us permission to cut into the cement. The only feasible  
11 alternative really then is to use the rubberized waste  
12 tire surfacing over the top of the cement to provide the  
13 required protection.

14 BOARD MEMBER PEACE: To the rubberized surfacing  
15 over the top of cement still gives you enough cushioning,  
16 even though it's on top of cement?

17 MR. WYELS: Absolutely. They actually do it to  
18 specifications which I believe are two-and-a-half inches  
19 thick. And it's, in fact, endorsed by the Consumer  
20 Products Safety Commission.

21 BOARD MEMBER PEACE: Thank you.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you.

23 Any other questions?

24 Thank you very much.

25 MR. WYELS: Thank you.



1           CHAIRPERSON MOULTON-PATTERSON: We All enjoyed  
2 our visit.

3           Mark Korte.

4           MR. KORTE: Good afternoon. I'm Mark Korte with  
5 Tri C Tire Recycling. Thank you for this opportunity.  
6 I'll try to keep it very brief.

7           Tri C Tire Recycling is on the B list for the  
8 Tire Commercialization Grants. We're proposing to add  
9 additional equipment that would allow us to expand into  
10 other markets that really haven't been explored all that  
11 much in California at this point. We're working with a  
12 couple firms to allow us to do that, some well-known firms  
13 in the area.

14           I would suggest if the Board has any ability to  
15 go ahead and fund the remaining programs that have met  
16 your criterias. I believe you've got four that have met  
17 your criterias that are not yet funded. And I would  
18 recommend that if they've scored well enough, you should  
19 fund them. That's it.

20           CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.  
21 Janie Nairn, Golden ByProducts.

22           MS. NAIRN: Thank you, Madam Chair and members of  
23 the Board.

24           In follow up to the e-mail that I sent to you as  
25 well as to your advisors, just like to request again --

1 Janie Nairn, Golden ByProducts. We're a scrap tire hauler  
2 and major waste tire facility on the B list for  
3 consideration of reallocation of funds at this time and  
4 would like to respectfully you strongly consider  
5 reallocating funds for our grant project for tire product  
6 commercialization grant. Thank you.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 Terry Leveille.

9 MR. LEVEILLE: Madam Chair and Board members, I'm  
10 just speaking on behalf of all of members, the projects on  
11 the B list. Tire product commercialization program is the  
12 only direct assistance to the private sector to help  
13 develop the infrastructure for tire recycling, to help  
14 develop the ability to meet new markets, expand markets.  
15 And it's really -- as I say, there's a lot of different  
16 grant programs, a lot of different contracts, but  
17 indirectly they help the private sector.

18 This one directly helps it. And it has been a  
19 boom in the past for those companies that are either  
20 looking to expand their own production to meet demand or  
21 to help those companies that are starting out that need to  
22 get a foot hold in the market.

23 And I urge you to consider fully funding that B  
24 list, which right now staff is projected to only fund for  
25 500,000. And the full funding would be a million dollars.

1 And if you can find it upon yourself to find a source of  
2 that funding, it could be, I think, a very strong message  
3 to the private sector that the Board is committed to  
4 developing that most important part of the tire recycling  
5 infrastructure here in California. Thank you.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
7 Mr. Leveille.

8 Okay. How did you wish to proceed, Mr. Lee? Did  
9 you want to go line by line? Or shall we take out the  
10 ones we agree on? Or what do you think would be the best  
11 way to do this?

12 DEPUTY DIRECTOR LEE: Madam Chair, I suggest we  
13 take it line by line, so that we can make sure we have the  
14 Board's consensus on each line item.

15 CHAIRPERSON MOULTON-PATTERSON: Okay.

16 DEPUTY DIRECTOR LEE: Again, the Local Government  
17 Amnesty Day Grant, staff's recommendation was for 524,675  
18 under A and B options.

19 CHAIRPERSON MOULTON-PATTERSON: Just a moment,  
20 Mr. Lee. We'd like you to go down to each one and explain  
21 why you think that one needs that much money or whatever.  
22 And then we'll come back and vote on it.

23 Is that okay with everybody else?

24 DEPUTY DIRECTOR LEE: As I noted in my opening  
25 remarks, again, the main issues that on --

1           CHAIRPERSON MOULTON-PATTERSON:   Yes.

2           DEPUTY DIRECTOR LEE:   That we felt deserve  
3 funding.   The rest of them, again, it's pretty much open  
4 to the staff's discretion on this.   There's not any item  
5 that kind of suggests one that should be favored over the  
6 other in staff's opinion.

7           Basically the Local Government Amnesty, we're  
8 requesting a full funding, you know, for all the projects  
9 on the B list.   And that's where the 524,675 comes from.

10          Playground cover grants, staff is recommending  
11 full funding.   This is for all applicants on the B  
12 conditional list.

13          CHAIRPERSON MOULTON-PATTERSON:   Ms. Peace.

14          BOARD MEMBER PEACE:   I'd like to make some  
15 comments as we go along.   I'm not saying I'm for it or  
16 against it, but here there's \$124,000 for playground  
17 grants, but we have down below we're finishing up a study  
18 on playground health effects of these kinds of covers.   So  
19 here we're going to give out money to do these kinds of  
20 covers, but we haven't finished a study saying if there's  
21 even any health effects from it.

22          So I guess just off the top of my head I'm  
23 thinking maybe those kids can get stand in their pants for  
24 a little while until we figure out if there are any health  
25 effects related to these kinds of playground covers.

1 That's just my comment.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you.

3 We'll go back and vote, but I want you to go  
4 through each one first.

5 DEPUTY DIRECTOR LEE: Okay. The track and other  
6 recreational surfaces grant, again, this is just a matter  
7 of apportioning available funds. We felt \$298,711 out of  
8 the 1.7 million could go to this particular purpose for  
9 track grants.

10 Product commercialization, again, we have \$1  
11 million that was in conditional list B projects. Again,  
12 based on staff's determination, we're only proposing  
13 funding half that list at the \$500,000 level.

14 BOARD MEMBER PEACE: Why did you decide to fund  
15 half the B list instead of not doing the B list at all or  
16 the whole B list?

17 DEPUTY DIRECTOR LEE: As I noted before, it's  
18 pretty much whatever the consensus determination of the  
19 Board is. There is a degree of arbitrariness with regards  
20 to some of these considerations. Basically, several of  
21 these, except for the five that I've noted which have  
22 staff's full endorsement, the rest of them -- you know,  
23 it's pretty much, you know, equal considerations. And  
24 tried to make the best with available funds.

25 BOARD MEMBER PEACE: It seems to me like Eco

1 Terra still isn't on this list. And, to me, that sounds  
2 like a company that's doing something different than what  
3 everyone else is doing. So I guess in my mind that's one  
4 that should be funded over some of the other ones that are  
5 already just expanding what they're doing or doing  
6 something that's already been done. It's just my  
7 thoughts.

8 DEPUTY DIRECTOR LEE: Your points are well taken,  
9 Ms. Peace.

10 DEPUTY DIRECTOR LEE: The OEHHA Contract  
11 Augmentation, this is, again, to complete some work  
12 they've initiated with regards to the playground health  
13 effects. This considers other things than just the  
14 emissions, but looking at some other potential impacts as  
15 well.

16 Again, this is money they indicated that the  
17 reason for the augmentation is because General Fund  
18 support they were relying upon to supplement the contract  
19 money they were receiving from the Board was not  
20 forthcoming. We feel that the project itself has merit  
21 and, you know, warrants the Board's consideration of the  
22 additional \$120,000.

23 BOARD MEMBER PEACE: So the original contract for  
24 \$300,000 really wasn't enough to finish the project?

25 DEPUTY DIRECTOR LEE: Yes.

1           BOARD MEMBER PEACE: Or should have been enough  
2 the finish the project?

3           DEPUTY DIRECTOR LEE: If they get the General  
4 Fund support they were anticipating.

5           DEPUTY DIRECTOR LEE: The Sukut Construction  
6 contract, the amount we're requesting here is the  
7 difference between -- I think we discussed in the previous  
8 item the need for about \$5 1/2 million to complete the  
9 known work at the Tracy site. We're expecting 2.7 of that  
10 will be coming forward as part of the 04-05 Five-Year Plan  
11 amount. So that leaves the balance of 2.86 to take care  
12 of that situation.

13          CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

14          BOARD MEMBER PAPARIAN: I wanted to explore this  
15 one just a tiny bit. As I understood it, we have enough  
16 money to get us through the rest of this fiscal year with  
17 the existing allocation. But we run into problems in the  
18 next fiscal year for funding. And then we get through the  
19 next fiscal year, some of the money that's suggested on  
20 the allocation from this item and from the next fiscal  
21 year's budget would then carry over into the following  
22 fiscal year, 05-06, and we'd spend about a  
23 million-and-a-half in 05-06 from what I understand.

24          DEPUTY DIRECTOR LEE: That's correct.

25          BOARD MEMBER PAPARIAN: Is there any reason why

1 we can't look to some 05-06 long-term remediation money to  
2 help with this Tracy item?

3           DEPUTY DIRECTOR LEE: I'll ask Todd for  
4 clarification. My understanding is we have \$5 1/2 million  
5 worth of work we can do out there right now. The only  
6 money that's going to be forthcoming in the near term is  
7 the 2.7 from the 04-05 allocation. The million for 05-06  
8 literally won't be here for another year or so. So that  
9 will have some implications with regards to the schedule  
10 for the completion of the work out there.

11           Todd, can you add any additional perspective on  
12 that?

13           MR. THALHAMMER: The perspective I'd like to  
14 discuss is that when it comes to transportation and haul,  
15 it's a very costly event for the Board. When we're  
16 running 100 trucks a day or 50 trucks a day, we will spend  
17 200, 300,000 a week. The funds that would be directed  
18 into that contract now would allow us to use our current  
19 disposal and transportation rights. If we wait, that  
20 contractor would then have to demobilize, and we'd have to  
21 go back out to the street for --

22           BOARD MEMBER PAPARIAN: I don't question that.  
23 But going back to the conversation we had a few minutes  
24 ago, it sounded like between June '05 and  
25 September-October '05, we'd be spending around \$2 million.



1           MR. THALHAMMER: That is correct for phase three  
2 work.

3           BOARD MEMBER PAPARIAN: Right. The 05-06 fiscal  
4 year starts July 1st, '05. So some of the money that  
5 we're talking about allocating between here and the 04-05  
6 budget would actually be spent in the 05-06 fiscal year.

7           So what I was asking is, is there any problem  
8 with us looking to the 05-06 fiscal year to fund some of  
9 this Tracy clean up?

10          MR. THALHAMMER: Two points to that, is that the  
11 2.8 that's up there now would go to direct removal now.  
12 The 05-06 money would go to what I would call future work.  
13 So that's kind of the dilemma we're facing right now.

14          Does that hit it, or did I miss it completely?

15          BOARD MEMBER PAPARIAN: You presented us  
16 something that I think showed around \$9 million needed to  
17 complete the whole package.

18          MR. THALHAMMER: Correct.

19          BOARD MEMBER PAPARIAN: And the way we get to  
20 that \$9 million is this money that's already budgeted and  
21 allotted. There's some amount for that, plus this 2.8  
22 million, plus the long-term remediation money in the 04-05  
23 fiscal year, which is, I think, 2.7. Okay. So between  
24 those three pots of money, you would be whole. You'd have  
25 what you think you need to clean up Tracy. However, from

1 those three pots of money, some of that would actually be  
2 spent in the 05-06 fiscal year, about a million-and-a-half  
3 dollars.

4 MR. THALHAMMER: That's correct.

5 BOARD MEMBER PAPARIAN: What I'm suggesting  
6 potentially if we wanted to fund the product  
7 commercialization grants, for example, is if we took some  
8 of that Tracy cleanup money out of the 05-06 budget, which  
9 is currently untalked about here, then we would have some  
10 money available now to fund things like tire product  
11 commercialization. And it sounds like, to me, it wouldn't  
12 effect the actual cleanup, because you wouldn't spend that  
13 money anyway until 05-06.

14 DEPUTY DIRECTOR LEE: Let me ask the question in  
15 a different way. Is the money that was for phase three,  
16 could that phase three work proceed faster than 05-06 if  
17 we had money available?

18 MR. THALHAMMER: The fastest I could get it on  
19 the ground would be basically June of next year.

20 DEPUTY DIRECTOR LEE: So Mr. Paparian's point is  
21 well taken, that basically using the 2.7 from 04-05 and  
22 the 1.0 from 05-06, that's a total of 3.7. Subtracting  
23 that from our 5.5, what we said we needed, then we could  
24 get by with 1.8 out of the reallocation. Is that correct?

25 MR. THALHAMMER: Bob and I were talking about the

1 contracting being expired in June. But --

2 DEPUTY DIRECTOR LEE: Just to restate that. We  
3 stated in our previous item we needed \$5 1/2 million to  
4 complete the known work at Tracy. We're going to get 2.7  
5 of 04-05 money.

6 MR. THALHAMMER: Correct.

7 DEPUTY DIRECTOR LEE: We'll get another million  
8 dollars in 05-06. That's a total of 3.7. Subtracting  
9 that from our 5.5 need, that suggests that all we need is  
10 1.8 out of the reallocation. Is that correct?

11 MR. THALHAMMER: Yes.

12 BOARD MEMBER PAPARIAN: Yes. So, Madam Chair,  
13 I'm not suggesting a number at this point, but it sounds  
14 like without effecting the work at Tracy that needs to be  
15 done -- we all want it to be done as quickly as possible.  
16 We might have some wiggle room in this item to free up  
17 some funds.

18 CHAIRPERSON MOULTON-PATTERSON: Okay.

19 BOARD MEMBER PEACE: We have about a million  
20 dollars in wiggle room, it sounds to me.

21 DEPUTY DIRECTOR LEE: The next item was the CDAA  
22 Association. This is to assist in accomplishing the goals  
23 of the Five-Year Plan and to aide local governments in the  
24 waste tire enforcement activities. We're proposing to  
25 augment the existing contract we have with CDAA. We're

1 asking for a reduced amount which we think is commensurate  
2 with the activities we're going to have them undertake on  
3 our behalf.

4           The next item down is Augment the Student  
5 Contract. Again, this is something that staff places a  
6 high priority on. The students are a very important part  
7 of our overall staffing effort, particularly in  
8 consideration of all the cutbacks we've taken in the  
9 program. They do provide a great deal of assistance to  
10 our people in supplementing our work.

11           The Kid Ease line item, I think we heard from  
12 Mr. Wyels on the matter. Staff does support the proposal.

13           DGS State Fleet Management, this is a situation  
14 where working in conjunction with the Department of  
15 General Services and I understand the potentially the U.C.  
16 System we'd be developing a project to develop a guide for  
17 state agency fleets on tire maintenance and tire  
18 procurement protocols. We also want to utilize them to  
19 investigate some self-inflating tire devices, low pressure  
20 alert systems, and potentially also looking at the use of  
21 nitrogen instead of air for inflating tires. Apparently,  
22 nitrogen has some very beneficial impact with regards to  
23 decreasing tire deterioration and decreasing the frequency  
24 of needing air in the tires.

25           Next item is --

1           BOARD MEMBER PEACE: Sorry. I have a question on  
2 that one. When I read through this thing from the  
3 University of California Davis, it says they're going to  
4 first develop a guide for the state fleets on tire  
5 maintenance and procurement protocols relating to energy  
6 efficiency. That's what they're going to do first. And  
7 then they're going to work on -- then they're going to do  
8 the smart tire project. And then if they have money in  
9 the budget, then they're going to pursue the use of  
10 nitrogen.

11           DEPUTY DIRECTOR LEE: I think I covered those  
12 issues. That's my understanding as well.

13           BOARD MEMBER PEACE: But, see, I would really  
14 want to make sure that they assess the smart tire devices  
15 first and the use of nitrogen first, and maybe put the  
16 procurement protocols and tire maintenance last. I mean,  
17 how many tire maintenance guides and procurement guides do  
18 we need that probably they're not going to follow anyway  
19 or they'll say they'll be outdated, when there's --  
20 really, the smart tire devices and the use of nitrogen, to  
21 me, are the things we really want to see if they work,  
22 more so than developing another tire maintenance guide.

23           DEPUTY DIRECTOR LEE: Your point is well taken  
24 there, Ms. Peace. We're still going to be negotiating  
25 with them on the exact parameters for this. Clearly,

1 we'll be bringing the scope of work back before you for  
2 consideration and approval.

3 BOARD MEMBER PEACE: You will be developing this  
4 scope of work to come back before us on this?

5 DEPUTY DIRECTOR LEE: Yes.

6 The next line item is the OEHHA Sustainable  
7 Buildings Program. This is kind of a follow-up to a study  
8 the Board had contracted for last year. This showed there  
9 was some potential problems with tire-derived flooring  
10 products. This work with OEHHA would be to look at  
11 relative exposure levels for several of the chemical  
12 constituents that were shown to be emitting from these  
13 products. Again, the change from the 300 to 400,000 was  
14 to incorporate an additional \$100,000 for some laboratory  
15 work.

16 Next item was the Levine and Fricke contract.  
17 Again, we touched upon the need for this as the  
18 environmental services portion of the Tracy remediation.  
19 It goes hand in hand with the work we are requesting --  
20 with the funds we're requesting for the augmentation of  
21 the Sukut contract for remediation.

22 And the last --

23 BOARD MEMBER PEACE: I'm sorry, Jim. You're  
24 getting ahead of me here.

25 I had a question, again, on the OEHHA Sustainable

1 Buildings Contract. They were going to be doing some  
2 testing of a resilient flooring products. I was just  
3 wondering, are there any other indoor products like  
4 molding, you know, that are made out of tires or any sort  
5 of carpet padding made out of tires or any other indoor  
6 products we should be having them study while we're having  
7 them study the resilient flooring? Is there anything else  
8 you can think of that should be part of this contract?

9 DEPUTY DIRECTOR LEE: Well, let me ask either my  
10 colleague Patty Wohl or Tom Estes to discuss that from  
11 staff.

12 DEPUTY DIRECTOR WOHL: And Dana's in the room,  
13 too. She's probably the resident expert.

14 I think we're feeling like these dollars are only  
15 going to cover resilient flooring, because there's a lot  
16 of chemicals in there already that we're going try to pull  
17 out the top ones to study. But, yeah, there are other  
18 products, but I defer to Dana to see whether something is  
19 maybe more critical.

20 MS. PAPKE: I would say the indoor reference  
21 exposure levels that they'd be establishing with this  
22 study would mainly be for chemicals that we find emitted  
23 from tire-derived resilient flooring. But what we found  
24 in our study was that some of those chemicals are also  
25 emitted from other products, such as carpeting, et cetera.

1 But my understanding is that the tire funds are  
2 specifically -- need to be dedicated to testing tire  
3 products.

4 BOARD MEMBER PEACE: One other question regarding  
5 the OEHHA Sustainable Buildings Contract. Our Market  
6 people said they needed another \$100,000 for DHS to do  
7 their part of the study to kind of solidify the word -- or  
8 however you want to say that. So really, if Market had  
9 their way, along with that \$300,000, another \$100,000 in  
10 there that would be directed to DHS.

11 MS. PAPKE: Correct. If you recall, the Building  
12 and Material Emissions Study that you approved last year  
13 basically identified that both recycled content products  
14 performed about the same as standard products. But the  
15 study also found that tire-derived resilient flooring  
16 needed more research before it could be promoted for wide  
17 use indoors.

18 Essentially, the original 300,000 allocated for  
19 this concept would fund the development of those indoor  
20 reference exposure levels I mentioned earlier, which is a  
21 safe level of allowable chemical emissions from  
22 tire-derived resilient flooring. This study or this  
23 additional \$100,000 would basically be to augment and do  
24 additional testing. We feel this is essential.

25 One of the main limitations to our Building



1 Material Emissions Study and one of industry's comments  
2 was basically that there was a varying age of samples, and  
3 also we didn't have specific sample handling procedures.  
4 So as a result of these issues, staff believes that it's  
5 critical that this study include this additional \$100,000  
6 to conduct current chemical emissions testing.  
7 Recently-manufactured samples would be collected following  
8 specific sample handling procedures. Samples would be  
9 tested following an updated version of the laboratory  
10 emissions testing used in our original study.

11           Allocating this additional 100,000 provides a  
12 higher level of credibility to the end results of this  
13 research proposal, and it also accounts for the fact that  
14 some manufacturers may have actually modified their  
15 manufacturing process, and the chemicals that we found in  
16 our study may not actually be emitted from current  
17 products to date.

18           The additional funding would also allow for the  
19 evaluation of long-term emissions rates of these  
20 chemicals. And if these chemicals are off gassing in two  
21 days, two weeks, two months, that kind of information is  
22 critical for OEHHA to understand when developing the  
23 appropriate threshold for this indoor reference exposure  
24 levels for these chemicals. So we feel that the \$400,000  
25 research study would provide a thorough analysis and

1 comprehensive information to establish these acceptable  
2 reference exposure levels that are safe to building  
3 occupants. And our hope is that this study will also  
4 expand the markets for tire-derived products and ensure  
5 they also contribute to help the indoor environment.

6 BOARD MEMBER PEACE: Thank you.

7 CHAIRPERSON MOULTON-PATTERSON: Thanks, Dana.

8 DEPUTY DIRECTOR LEE: Last on the line item was  
9 the rubberized asphalt concrete grants. This is an item  
10 that when the Board voted on this item back in, I believe,  
11 March in San Jose, the Board wanted us to preserve the  
12 option for being able to fund this out of reallocation.  
13 However, the other option that's available here is to  
14 basically fund this out of the 04-05 RAC grant allotment  
15 of in the Five-Year Plan. So it's not essential that the  
16 funding come out of the reallocation. That might present  
17 an opportunity to redirect those proposed funds to another  
18 use.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you.

20 DEPUTY DIRECTOR LEE: Patty just reminded me, our  
21 last one is the new one, the tire enforcement grant.  
22 Pursuant to the previous Board item, we need to preserve  
23 some funds for basically the applicants to compete for  
24 when we put the NOFA on the street.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 Any comments before I turn it over to Ms. Peace?

2 BOARD MEMBER PEACE: On the LFR contract  
3 augmentation for 250,000, is that something they would  
4 have to have now, or is that something they could get in  
5 July?

6 DEPUTY DIRECTOR LEE: I'll bring Todd back up to  
7 the podium. My understanding is that the current contract  
8 we have with them they will run out of fund on that I  
9 think in July or June, Todd.

10 MR. THALHAMMER: Yes. That fund request is  
11 immediate for the continuing the transportation haul and  
12 the health and health and safety monitoring. Those funds  
13 need to be allocated now. We would then go back to the  
14 Board at a later date for a new contract.

15 CHAIRPERSON MOULTON-PATTERSON: I don't see any  
16 other lights right now.

17 Ms. Peace, did you want to -- I know you have a  
18 proposal. Did you want to go over it and see if the Board  
19 concurs with you?

20 BOARD MEMBER PEACE: Yes.

21 CHAIRPERSON MOULTON-PATTERSON: Okay.

22 Is somebody keeping track? I can't look at both  
23 screens at one time.

24 DEPUTY DIRECTOR LEE: The spreadsheet is  
25 interactive, Ms. Chair. You have it on your monitor.

1           BOARD MEMBER PEACE: Okay. In my proposal, I  
2 have here we go ahead and do the Local Government Amnesty  
3 Day Grants as staff recommends, Playground Cover Grants as  
4 staff recommends. Actually, the Track and Other  
5 Recreational Surfaces, I'd like to fund that more at the  
6 \$1 million level.

7           Product Commercialization Grants go ahead and  
8 fund all the A list and B list for an additional million  
9 dollars.

10          CHAIRPERSON MOULTON-PATTERSON: So just for  
11 clarification, that would take care of A and B?

12          BOARD MEMBER PEACE: The whole A list and the  
13 whole B list.

14          For the OEHHA Playground Study, as staff  
15 recommends.

16          The Sukut Construction, I'm recommending 1.5  
17 million. I think what I've heard though is you absolutely  
18 need 1.8.

19          DEPUTY DIRECTOR LEE: 1.86 would be our  
20 recommendation pursuant to the discussion.

21          BOARD MEMBER PEACE: So maybe we can make a note  
22 there and go back to that. In my proposal right here I  
23 only have 1.5.

24          The District Attorney, 100,000 as staff  
25 recommends.

1           The Student Augmentation, staff recommends.

2           Kid Ease, 32,000, the staff recommends.

3           The DGS Fleet Management, 250,000, staff  
4 recommends.

5           OEHHA Sustainable Buildings, the 400,000, the  
6 staff recommends.

7           The LFR Contract Augmentation, the 250,000, as  
8 recommended.

9           And the rubberized asphalt tire grant for the  
10 full 89,480.

11           So if we do that, then I guess there would still  
12 be -- if you're saying we absolutely need 1.86 million,  
13 and I only have 1.5 in there, so we're going to be short  
14 about 300, \$400,000. I guess that's where we are going to  
15 decide which of these things can we put off until the next  
16 fiscal year, which things do we scratch?

17           CHAIRPERSON MOULTON-PATTERSON: So we're short  
18 less than 300,000 with your proposal.

19           Mr. Paparian.

20           BOARD MEMBER PAPARIAN: I'm already forgetting  
21 this morning, but we talked about the tire enforcement  
22 grants. And did we leave it that we weren't going to fund  
23 it, or did we leave they were potentially going to fund a  
24 quick NOFA?

25           DEPUTY DIRECTOR LEE: My understanding was that

1 we were going to fund a quick NOFA with an undetermined  
2 amount of money which was going to be discussed at the  
3 reallocation.

4 BOARD MEMBER PAPARIAN: Right. So maybe I'll  
5 look to -- there are others. Mr. Washington, I think, was  
6 especially interested in that item. I don't know if we  
7 would need the whole amount. I'll defer to you.

8 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

9 BOARD MEMBER WASHINGTON: I think what we came up  
10 with is that we would not fund this particular  
11 augmentation, but then put in the Five-Year Plan so we can  
12 really look at this whole project. So I think what we  
13 should do is not look at funding the NOFA.

14 CHAIRPERSON MOULTON-PATTERSON: That's right.

15 DEPUTY DIRECTOR LEE: That would be fine with us.

16 BOARD MEMBER PEACE: So if you need the 1.86  
17 million for the Tracy, then we're going to be \$360,000  
18 short. So where do we want to cut or delete, that's the  
19 question?

20 CHAIRPERSON MOULTON-PATTERSON: Can you take some  
21 off the track?

22 BOARD MEMBER PEACE: Do you want to take it all  
23 off of there?

24 CHAIRPERSON MOULTON-PATTERSON: No, but maybe  
25 100,000.

1           BOARD MEMBER PEACE: Is there anything at all  
2 that you see on this list, the DGS Contract, or anything  
3 that we can --

4           DEPUTY DIRECTOR LEE: RAC Grants, as I mentioned  
5 earlier -- as I say, funding is assured for them as soon  
6 as the budget is passed using 04-05 funds.

7           BOARD MEMBER PEACE: RAC grants are one of the  
8 most cost effective ways of getting rid of tires. I'd  
9 like to keep that one in there.

10          But how about the Fleet Management? Is that  
11 something that has to be done right now, or can that -- is  
12 that something we can do next year?

13          DEPUTY DIRECTOR LEE: We feel it has some  
14 desirable components.

15          BOARD MEMBER WASHINGTON: I would suggest we take  
16 it from the Track and Other Recreational Surface Grants,  
17 the 300,000.

18          BOARD MEMBER PAPARIAN: You could potentially  
19 also take some out of the Amnesty Day Grants, knowing that  
20 in a few months we'll have a new round of Amnesty Day  
21 Grants happening, too.

22          DEPUTY DIRECTOR LEE: That is correct.

23          CHAIRPERSON MOULTON-PATTERSON: Or we can split  
24 the difference between those two.

25          BOARD MEMBER WASHINGTON: Probably do 200,000.

1           CHAIRPERSON MOULTON-PATTERSON: If you could  
2 split the difference between those two.

3           DEPUTY DIRECTOR LEE: Let me ask staff to take a  
4 quick look at that, because some of the allotments we want  
5 to make sure we can fund whole projects. I'd ask Sally  
6 and Mitch to take a quick look and see what the logical  
7 break down would be there.

8           MS. FRENCH: Each project is about \$100,000 each.  
9 If you round it in 100,000.

10          DEPUTY DIRECTOR LEE: This is which grant  
11 program?

12          BOARD MEMBER PEACE: My only thought is the  
13 locals have already gone through this process on the  
14 Tracks and also on the Amnesty Day. Why is it so  
15 important that DGS has to have theirs now? Why can't they  
16 wait a couple months until the next fiscal year? Why is  
17 it so important that it starts now?

18          DEPUTY DIRECTOR LEE: The DGS in working in  
19 consult with the U.C. system will be pursuing this issue  
20 of tire maintenance, which is something that staff has  
21 long considered to be the main way to not only ensure long  
22 life tires, but also tires that are fuel efficient. This  
23 plays very well to with the Governor's initiative on fuel  
24 efficiency. There is some desirable aspects. Like I say,  
25 they're pursuing an aspect of the program that we feel is



1 deserving of more attention.

2 BOARD MEMBER PAPARIAN: Ms. Peace, that one is  
3 important to me. You know, I helped find, I think, a  
4 couple million dollars here that we have extra to play  
5 with. This one, I think, is an important part of our  
6 overall source reduction efforts. And I encourage that  
7 one to go forward.

8 CHAIRPERSON MOULTON-PATTERSON: So could you take  
9 the Local Government Amnesty Day down to 400,000 as  
10 proposed, or as allocated? Did you say 100,000?

11 MS. FRENCH: The Track Grant are at 100,000. So  
12 we could take it down to 700,125 and we would make up your  
13 300,000 that you're short.

14 BOARD MEMBER PEACE: You're taking the 300 out of  
15 Tracks. And then the other 60,000 would be Tracks, too?

16 MS. FRENCH: No. You have it at the bottom. You  
17 still have \$65,154.

18 BOARD MEMBER PEACE: Oh, so we're all set. Just  
19 the \$300 will do it, then. Then let's take it out of  
20 Tracks and be done with it.

21 DEPUTY DIRECTOR LEE: We also need to have you  
22 take a look at Option B list in case there's some sort of  
23 tire emergency that crops up so we are unable to use the  
24 \$1 million in the emergency reserve. Where would you like  
25 us to cut the million dollars from the Option B budget?

1 BOARD MEMBER PEACE: If there is an emergency,  
2 can't we allocate the money? I mean, why --

3 DEPUTY DIRECTOR LEE: We're trying to kill two  
4 birds with one stone, if you will.

5 BOARD MEMBER PEACE: Let's just leave it the way  
6 it is.

7 DEPUTY DIRECTOR LEE: I understand.

8 CHAIRPERSON MOULTON-PATTERSON: Would you like to  
9 move your proposal? You seem to have concurrence.

10 BOARD MEMBER PEACE: Should we go down this  
11 again? Do we have it all?

12 CHAIRPERSON MOULTON-PATTERSON: No.

13 BOARD MEMBER WASHINGTON: No.

14 BOARD MEMBER PAPARIAN: No.

15 CHAIRPERSON MOULTON-PATTERSON: I mean, you have  
16 all the right figures, and we're just taking the 300,000  
17 out of the Track and Recreation. And you have the other  
18 figures that we already discussed.

19 DEPUTY DIRECTOR LEE: And we'll all hope there is  
20 no tire emergency between now and June 30th.

21 BOARD MEMBER PEACE: We'll deal with that.

22 CHAIRPERSON MOULTON-PATTERSON: At the time.  
23 Okay.

24 BOARD MEMBER PEACE: And then with, that I'm  
25 ready --

1 BOARD MEMBER PAPARIAN: Madam Chair, I think for  
2 the record, we probably ought to highlight a couple of big  
3 changes so there is no doubt.

4 CHAIRPERSON MOULTON-PATTERSON: Go right ahead.

5 BOARD MEMBER PAPARIAN: Sorry to do this. But  
6 the Sukut money I see is \$1,865,154.

7 CHAIRPERSON MOULTON-PATTERSON: Right.

8 BOARD MEMBER PAPARIAN: The Track money is  
9 70,125. And the Tire Product Commercialization Grants is  
10 one million even. And those are the big changes.

11 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
12 motion by Ms. Peace, seconded by Moulton-Patterson to  
13 approve this motion and this reallocation.

14 Please call the roll.

15 SECRETARY WADDELL: Paparian?

16 BOARD MEMBER PAPARIAN: Aye.

17 SECRETARY WADDELL: Peace?

18 BOARD MEMBER PEACE: Aye.

19 SECRETARY WADDELL: Washington?

20 BOARD MEMBER WASHINGTON: Aye.

21 SECRETARY WADDELL: Moulton-Patterson?

22 CHAIRPERSON MOULTON-PATTERSON: Aye. Okay.

23 Should we take number -- Mr. Lee, you're finished for the  
24 day. You've had a big day. I tried to give you Number 2.

25 So we're going to go 16, 17, 31, and 2, and then

1 we'll be finished for the day.

2 Mr. Levenson, is 16 yours? Okay. Thank you.

3 DEPUTY DIRECTOR LEVENSON: Good afternoon, Board  
4 members. Howard Levenson with the Permitting and  
5 Enforcement Division.

6 You have two permit items today, and one  
7 discussion item to be heard. And, hopefully, we can be  
8 fairly quick with the two permit items.

9 Item 16 is Consideration of a Revised Full Solid  
10 Waste Facilities Permit for a Transfer Processing Facility  
11 for the BFI South Bayside Integrated Facility in San Mateo  
12 County.

13 Reinhard Hohlwein is going to make that  
14 presentation. And the LEA is here in the audience. I  
15 know they have a train to catch shortly, so we appreciate  
16 you taking this item up now.

17 CHAIRPERSON MOULTON-PATTERSON: Okay. We're  
18 going to be really quick. Okay.

19 MR. HOHLWEIN: Good afternoon, Madam Chair. This  
20 item regards an existing large volume transfer facility  
21 located in the industrial portion of the city of San  
22 Carlos located in San Mateo County. The site receives,  
23 processes, and transfers waste from the San Carlos area.

24 The proposed revised permit as submitted will  
25 allow the facility to open to the public earlier on

1 weekdays, which will prevent traffic from becoming a  
2 problem in front of the facility. The transfer station  
3 was inspected by myself in conjunction with the LEA on  
4 April 15th, 2004. The operation was observed to be  
5 compliant with the state minimum standards.

6 Staff have reviewed all the applicable documents  
7 for the proposed project. After review of those  
8 documents, staff found the project did not have any  
9 potential significant environmental effects, and therefore  
10 we recommend concurrence on this item.

11 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

12 Any questions?

13 Mr. Washington, you want to move this?

14 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.  
15 I'd like to move adoption of Resolution 2004-148 revised,  
16 Consideration of the Revised Full Solid Waste Facilities  
17 Permitted Transfer Processing Station for the BFI Southbay  
18 Integrated Facility Station, San Mateo County.

19 BOARD MEMBER PEACE: Second.

20 CHAIRPERSON MOULTON-PATTERSON: Without  
21 objection, we'll substitute the previous roll call.

22 Number 17, Consideration of a Revised Full Solid  
23 Waste Facilities Permit for the Davis Street Transfer  
24 Station, Alameda County.

25 DEPUTY DIRECTOR LEVENSON: Thank you, Madam

1 Chair. Reinhard has the honors again. And the Alameda  
2 County LEA is here in the audience if you have any  
3 questions.

4 MR. HOHLWEIN: Thanks, again.

5 This large transfer facility is located just west  
6 of Highway 880 in San Leandro in Alameda County. The  
7 facility handles solid waste and recyclables generated in  
8 Oakland and other East Bay cities. Residual wastes are  
9 transported for disposal to the Altamont Landfill in  
10 Eastern Alameda County.

11 The facility recycles construction and demolition  
12 materials, curb-side materials, green waste, organics, and  
13 food waste. The current permitted tonnage is 5,600 tons a  
14 day and will not change with this permit action.

15 This permit action is to approve the recently  
16 constructed and operating now operating materials recovery  
17 facility within the permitted area of the transfer  
18 facility. The MRF is used to sort "dry waste and more  
19 commonly construction and demolition material." There  
20 will be no increase in waste tonnage or traffic through  
21 the gate.

22 Prior to this permit action, the only information  
23 regarding the MRF contained in the approved permit was on  
24 page I-7 of the facilities report of station information  
25 dated February 1999, which states, "This 800 ton per day

1 recycling facility is a proposed infrastructure  
2 improvement which is already listed as an anticipated  
3 project in the current solid waste facility permit. The  
4 facility would process dry waste delivered in roll-off and  
5 self-haul vehicles. Commercial route trucks on a wet-dry  
6 collection system could also be processed."

7           There was a little bit of additional supporting  
8 text, but not a great deal.

9           Additionally, the operator wrote a letter to the  
10 have LEA on January 11th, 2001, informing the LEA  
11 construction would begin on the MRF and C&D recycling  
12 facility in approximately 45 to 60 days.

13           Board staff found that the change from a proposed  
14 improvement to a full-scale build-out should have required  
15 a full review by the LEA. It is the position of Board  
16 staff there was inadequate design and layout information,  
17 minimal engineering drawings available, and an absence of  
18 otherwise applicable descriptions of the MRF submitted to  
19 the operator by the operator to LEA.

20           Finally, there was no consequent approval of that  
21 design by the LEA prior to its construction and operation.

22           As Board staff observed the MRF to be operating  
23 in December 2002, Board staff wrote to the LEA on April  
24 11th, 2003, and August 25th, 2003, directing the LEA to  
25 take action to get the MRF included in the permit and to

1 note permit violations of the Public Resource Code on  
2 inspection reports for the facility until the MRF could be  
3 incorporated into the permit. The LEA has not sited  
4 violations.

5 The facility was inspected by myself recently in  
6 conjunction with the LEA in March and was observed to be  
7 in compliance with operational state minimum standards.  
8 Two permit violations were noted in the state inspection  
9 report, and those violations will be rectified with the  
10 issuance of revised permit that includes the MRF. There  
11 has been no public opposition to the expansion of  
12 functions within the facility. The facility has been  
13 operating at this location since 1979.

14 All required findings have been made, and Board  
15 staff recommend concurrence on this item and adoption of  
16 Resolution 2004-149.

17 The operator is here today, as is the LEA, to  
18 answer any possible questions.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you very  
20 much.

21 Ms. Peace.

22 BOARD MEMBER PEACE: So from what you're saying,  
23 the LEA knew they were building a 39,000-square foot  
24 building and didn't think that was a big enough change to  
25 warrant a revision to the permit?



1           MR. HOHLWEIN: There seemed to be some confusion  
2 about the wording in the permit about what were  
3 anticipated projects. And so there were some minimal  
4 drawings and some minimal description about that building.  
5 But once they had gone past the anticipated stage, they  
6 should have formalized the proposal and forwarded that to  
7 the LEA so they could make an up or down conclusion on  
8 whether that was a significant change.

9           And they did not do that. They send a letter  
10 saying, "We're going to build it." But they didn't  
11 include -- there could be a variety of questions that need  
12 to be answered. Was it a building? Was it enclosed? Did  
13 it need environmental control? There was a variety of  
14 things that did not get proposed or answered or looked at.

15           BOARD MEMBER PEACE: Are our guidelines in stuff  
16 like that not strong enough?

17           PERMITTING AND INSPECTION BRANCH MANAGER DE BIE:  
18 The regulations -- this is Mark de Bie with Permitting and  
19 Inspection.

20           The regulations do not have a clear definition  
21 about what triggers a revision to a permit. There is  
22 reference in statute that includes significant change that  
23 is not authorized by the permit. It does require a  
24 revision to the permit.

25           Other types of changes that would not meet that

1 definition or that description would need to still be  
2 reviewed and authorized, if anything, through an amendment  
3 to the operating document, the reported facility  
4 information. And that process does require formal  
5 application to the LEA and a review by the LEA. The LEA  
6 is required to make findings. If they're not able to make  
7 findings relative to approving that change through an RFI  
8 amendment, they need to require a revision to the permit.

9           So there's statute that talks about what requires  
10 a revision. There's regulations that talk about a  
11 process, an application process, findings that need to be  
12 made that calculate out into making an approval or not.

13           As far as staff is aware of, in this situation  
14 there was, as Reinhard mentioned, some nominal level of  
15 description in the operating documents relative to this  
16 facility and the proposal to build this MRF. But when it  
17 became a reality, there was not an application submitted  
18 to review that to make a determination of what the  
19 appropriate level of application or approval should be.

20           It's staff's opinion it was significant enough to  
21 warrant a revision to the permit, and that's why it's here  
22 today.

23           CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

24           BOARD MEMBER PAPARIAN: Thank you, Madam Chair.  
25 I think it's good we're getting this fixed now. But in

1 looking back over the materials, I actually have the 1999  
2 agenda item pulled up here. And if I was a Board member  
3 in 1999, I wouldn't have had a clue that this building  
4 would be going into this site. I think the fault seems to  
5 rest mostly with the LEA for accepting this happening.  
6 But I think this item will correct this problem. I think  
7 the longer term issue for is what do we do with  
8 instructions to LEAs? Do what we do with this LEA and so  
9 forth. But I'll be voting for this item.

10 BOARD MEMBER PEACE: The LEA is here. Maybe we'd  
11 like to ask her some questions, or him.

12 CHAIRPERSON MOULTON-PATTERSON: Also we have  
13 Mr. Larson from Waste Management to respond to questions.

14 Could you state your name for the record.

15 MR. GOITIA: Good afternoon. My name is Jorge  
16 Goitia, LEA for Alameda County.

17 I made a copy of what was in the 1999 approved  
18 permit that the Board looked at. And I wish I could show  
19 it to you, because it does -- I mean, it's right here,  
20 plans and everything, proposed -- I mean, they stated what  
21 I thought was pretty adequate. I mean, if you'd like to  
22 look at it --

23 CHAIRPERSON MOULTON-PATTERSON: Thank you.

24 DEPUTY DIRECTOR LEVENSON: If I could say one or  
25 two words on that.

1           First of all, on the broader issue of guidelines  
2 from instructions to LEAs, we have a suite of regulatory  
3 topics related to AB 1497, public hearings, significant  
4 change, and an associated topics relative to permit  
5 regulations such as the process for modification of  
6 permits and clarification on what should be in an RFI and  
7 the amendment process. Those are all things Mark is  
8 working on and we'll be doing scoping sessions this  
9 summer. Some of these things we'll be looking at to see  
10 if further clarity is needed in general.

11           Secondly, with respect to the Alameda County LEA,  
12 we did have a meeting -- teleconference with Mee Ling  
13 Tung, the Environmental Health Director and the staff,  
14 including Jorge, on Friday. And one of the outcomes of  
15 that meeting was that for the next several months, we will  
16 be sending state staff to conduct joint inspections with  
17 the Alameda County LEA of all sites and facilities in the  
18 Alameda County jurisdiction for the purposes of  
19 calibrating, if you will, what they are seeing and either  
20 calling or not calling a violation and what they are  
21 seeing and calling a violation, as well as looking at the  
22 associated operating documents to see whether the  
23 descriptive material supports the kind of observations  
24 they're making and a variety of other associated actions.

25           CHAIRPERSON MOULTON-PATTERSON: Sounds like it's

1 being taken care of. Thank you.

2 Does anyone -- Mr. Washington, would you like to  
3 move it?

4 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.  
5 I would like to move adoption of Resolution 2004-149,  
6 Consideration of a Revised Full Solid Waste Facilities  
7 Permit Transfer Process Station for the Davis Street  
8 Transfer Station, Alameda County.

9 BOARD MEMBER PAPARIAN: Second.

10 CHAIRPERSON MOULTON-PATTERSON: Motion by Mr.  
11 Washington, seconded by Mr. Paparian.

12 Please substitute the previous roll call.

13 Item 31.

14 DEPUTY DIRECTOR LEVENSON: Item 31 is Discussion  
15 of the Circumstances Leading up to the Vasco Road Landfill  
16 fire.

17 I would like to make a short presentation on a  
18 little bit of the history of the site and some of the  
19 other issues that we've talked about with the LEA as well  
20 as talk about the broader issue of fires that we are  
21 seeing at piles of stored materials around the state. And  
22 I believe there's certainly people in the audience and the  
23 operator who have much more information about the fire  
24 itself.

25 But very briefly, the fire occurred on April 2nd

1 of this year in a pile of what's called treated auto  
2 shredder waste that was being stored ostensibly for use as  
3 alternative daily cover, or ADC. The local fire  
4 department did respond on that day and attempted to put  
5 out the fire. The operator did work with the fire  
6 department to have them cover that with soil.

7           It's my understanding the report from the fire  
8 department of what actually caused the fire is still  
9 pending. There's been varying reports it was grass fire  
10 or actually started in the shredder fluff pile.

11           In January of 2004, Waste Board staff, Reinhard  
12 to my left, conducted the mandatory 18-month inspection  
13 that we are required to conduct of all landfills in the  
14 state, and at that time cited a violation of state minimum  
15 standards with respect to the ADC pile the treated auto  
16 shredder waste pile being extremely large and not being  
17 handled in accordance with the descriptions in the  
18 underlying operational documents. And I think we have a  
19 picture of that pile for you if we can get it up.

20           (Thereupon an overhead presentation was  
21 presented as follows.)

22           DEPUTY DIRECTOR LEVENSON: You can see it on the  
23 screen in front of you. It's an extremely large pile.  
24 Reinhard can or the LEA can talk a little more about that.

25           Reinhard also cited a violation for the permit

1 terms and conditions regarding some waste that had been  
2 placed outside the boundary previously, as well as areas  
3 of concern. Again, this is in late January for cover use,  
4 intermediate cover, and supervision. There had been no  
5 violation cited by the LEA during that inspection or  
6 before on these items.

7           Given this, there is two broad issues I'd like to  
8 touch briefly on. One I alluded to in the last item, and  
9 that's our concerns about LEA performance. We've had some  
10 concerns for some time about how the LEA cites violations  
11 and takes enforcement actions. As Mark mentioned, we did  
12 send what are known as trigger letters. These are formal  
13 letters outside the evaluation process in April and August  
14 of last year regarding the issues at Vasco Road Landfill  
15 and other facilities.

16           We felt it was necessary to go the next step, and  
17 as a result, had the meeting last Friday between myself  
18 and Waste Board staff and Ms. Tung and the Alameda LEA  
19 staff to discuss these issues and develop a work plan that  
20 has what we feel are quirk and monitorable solutions. And  
21 we'll be sending a letter to the LEA memorializing that  
22 discussion in the next week or so.

23           So there's several ongoing issues that we talked  
24 about the LEA. One is I mentioned the consistency of how  
25 the LEA evaluates compliance with state minimum standards

1 at all sites and we will be sending out Waste Board staff  
2 to jointly inspect all sites and facilities in their  
3 jurisdiction for the next several months. We'll see if we  
4 agree on what's a violation or if we don't agree, and  
5 we'll have to go from there.

6 Secondly is further enforcement at Vasco, not so  
7 much related to the ADC pile, but to compliance steps with  
8 respect to compliance at the solid waste facility permit  
9 and the need to revise it to reflect some other issues at  
10 Vasco related to boundaries and some litigation that's  
11 occurred in the past.

12 And then, thirdly, we also talked to the LEA  
13 about enforcement at Capital Recycling, which is one of  
14 the C&D sites that was reported on last month to the  
15 Board. This is an operating site that requires a full  
16 permit, but there has not yet been an enforcement order  
17 issued to the LEA about this site. We feel we had a  
18 productive discussion with the LEA, and they may wish to  
19 speak further to that. And we're on track with some  
20 specific actions to work with them and monitor their  
21 performance.

22 Let me turn briefly to the issue of fires at  
23 these piles, because that's probably a broader statewide  
24 concern. We've seen in the past year and a half or so  
25 fires at Crippen, at Vasco with the shredder fluff, at a



1 facility known as Barros in the Fresno area which was a  
2 recycling facility, not one that we regulated. We had one  
3 at Green Waste Recovery a couple weeks ago in a wood chip  
4 pile. And there's been fires at other wood and organic  
5 chipping and grind sites in the past.

6           These are different materials. They are  
7 occurring in different situations. And right now we're at  
8 a quandary as to what can be done to prevent these fires  
9 from occurring, or at least reduce their number and their  
10 impact.

11           There's a number of problems, and some of these  
12 we're discussed when we talked about the fire prevention  
13 plan and the C&D regulations and the applicability to  
14 other packages. We don't have technical standards related  
15 to what is the fire potential for different materials and  
16 different situations. What's the proper pile height.  
17 What's the moisture conditions, and so on. There's also  
18 hundreds of local fire districts, and some of them are  
19 more attuned to this type of problem than others.

20           At the same time, there's operational conditions,  
21 such as spacing of piles and height and access and  
22 hydrants that certainly would make it easier to fight a  
23 fire once it occurred. Those are based on common sense  
24 and the experience of various fire fighting entities  
25 throughout the state.

1           As a result of these situations, we have begun  
2 discussions with CCDEH, the California Conference of  
3 Directors of Environmental Health, which include all the  
4 overseers of the LEA programs and come to a general  
5 agreement that we need to focus more on prevention, but  
6 also to make fire response more effective. And what we  
7 are planning to do and we'd certainly like more input from  
8 the Board on this over time is to initially gather some  
9 information from LEAs on case studies of these sites;  
10 brief case studies as to what happened, why, and what  
11 lessons were learned; to gather information on local  
12 ordinances that might go beyond the uniform Fire Code in  
13 terms of preventative measures; to meet with the State  
14 Fire Marshall and discuss this further and perhaps over  
15 time pursue something like what we did several years ago  
16 with the tire issue where there was some training  
17 developed by the State Fire Marshal.

18           And then at least another interim step will be to  
19 have a workshop with LEAs, the fire marshal, local fire  
20 districts, and others to talk about what else can be done.  
21 Do we need regulatory charges? Can some of these things  
22 we've learned be incorporated into fire prevention plans  
23 and what kinds of guidance do we need?

24           So we are just in the exploratory stages of that,  
25 and we will certainly be asking for your input on how to

1 proceed with that. And we'll bring items back to you in  
2 the future. But this is clearly a problem that keeps  
3 popping up, and we need to do more on this fire issue.

4 BOARD MEMBER PEACE: All your suggestions are  
5 good suggestions. So you're already planning to do those  
6 things, or you need Board direction?

7 DEPUTY DIRECTOR LEVENSON: We're making sure it's  
8 something that you endorse and want us to do more on.

9 BOARD MEMBER PEACE: Yeah.

10 CHAIRPERSON MOULTON-PATTERSON: Absolutely.  
11 Thank you.

12 BOARD MEMBER PEACE: All those are great ideas  
13 and suggestions.

14 DEPUTY DIRECTOR LEVENSON: There may be  
15 additional ones as we start working through this.

16 With that, I conclude my presentation. And I  
17 unless there's any other questions I'd like to introduce  
18 Ms. Mee Ling Tung from the Alameda Environmental Health  
19 Department who oversees the LEA program. We had a very  
20 good conversation with them on Friday, and they're willing  
21 to be here at Ms. Peace's request to discuss this  
22 thoroughly. So I believe Mee Ling has some Point Power  
23 presentation.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you.  
25 Welcome. Good evening, I guess.

1           (Thereupon an overhead presentation was  
2           presented as follows.)

3           MS. TUNG: Thank you. Madam Chair and Members of  
4 the Board, my name is Mee Ling Tung, and I'm the Director  
5 of the Alameda County Environmental Health Department.  
6 Thank you for the opportunity. And I especially like to  
7 thank Board Member Peace for the invitation to be here  
8 today. And I'd like to go over -- this is the second part  
9 of the presentation. There's another part of it. I'd  
10 like to talk a little bit about the local enforcement  
11 agency that we have in Alameda County. Yes. Thank you.

12                               --o0o--

13           MS. TUNG: Next slide, please. I'd like to talk  
14 a little bit about our policy of compliance. Our primary  
15 goal is to achieve compliance, and it is the policy of the  
16 department to seek compliance through education and  
17 persuasion. However, when solid waste facility operators  
18 fail to cooperate and violate the provisions of the law,  
19 enforcement action is required to achieve compliance. And  
20 we do enforcement frequently in many, many programs that  
21 we have. And we do want to work with the operators to  
22 make sure that they have the understanding that they have  
23 the primary responsibility to be in compliance. And if  
24 the cooperation is not there, then we'll go ahead with the  
25 enforcement actions.

1 --o0o--

2 MS. TUNG: And we share the mission with the  
3 Board and other LEAs and regulated community to assure  
4 compliance with applicable statutes and regulations at  
5 active solid waste facilities.

6 --o0o--

7 MS. TUNG: And I just wanted to break this up  
8 just to say that we're being effective and definitely  
9 there are a lot of areas for improvement. This is based  
10 on the last ten years inspections done by the Integrated  
11 Waste Management staff. We have -- for the last  
12 ten years, we have a total of 13 violations noted in all  
13 the facilities and 23 areas of concern. So we work with  
14 the staff, and we'll continue to work with them closely.

15 --o0o--

16 MS. TUNG: And these are the areas for  
17 improvement. We're working cooperation and under  
18 direction of the Integrated Waste Management staff to  
19 develop jurisdictional and site specific enforcement  
20 strategies; conduct joint inspection with P&E staff to  
21 enhance performance and enforcement activities; improve  
22 our review of action on notice and orders and other  
23 enforcement documents; assure that all solid waste  
24 facility permits meet statute, regulation, and policy; and  
25 ensure that All environmental impacts are addressed and

1 mitigated; and maintain close communications and working  
2 relationship with CIWMB staff to assure adequate  
3 enforcement actions.

4           We'll also maintain quality weekly inspections at  
5 all active solid waste landfills and bimonthly inspections  
6 at all transfer stations. And we feel to do effective  
7 enforcement, we need to have a very active presence at all  
8 these facilities. So we've been doing weekly inspections  
9 at the solid waste landfills and bimonthly inspection at  
10 the transfer stations. And we'll also beef up our 24/7  
11 emergency response to all solid waste facilities so in  
12 case there's any emergency we'll be there to work with the  
13 operators and the other regulatory agencies to make sure  
14 the damage will be minimized.

15                               --o0o--

16           MS. TUNG: Next I'd like to talk a little bit  
17 about the fire. And that would be the second part of our  
18 Power Point presentation.

19           This is what happened. The Board inspection was  
20 done on January 21st. It has been mentioned these are the  
21 areas of concern regarding the TASW. TASW was being  
22 stored in massive amounts. The material might be in  
23 excess of that which could be used as a cover in a  
24 reasonable amount of time. Auto shredder waste shall be  
25 treated, and when used as a daily cover, shall be

1 restricted to a minimum compacted thickness of six inches  
2 and an average compacted of thickness of less than 24  
3 inches.

4 --o0o--

5 MS. TUNG: And we received a response by the  
6 landfill operator on March 17th, 2004. TASW is not  
7 currently being accepted due to current stockpile. And,  
8 actually, they stopped receiving the TASW since December  
9 2003. TASW is placed in a Subtitle D approved lined  
10 landfill cell for stockpiling or application. The  
11 facility obtained approval to use the material as the  
12 foundation operation layer in the new Disposal unit Number  
13 8.

14 BOARD MEMBER PEACE: When the fire started -- can  
15 you go back to the last? So when the fire started, was  
16 the auto shredder fluff, was that at that time in the  
17 Subtitle D approved lined part of the landfill when it  
18 caught fire?

19 MS. TUNG: The fire occurred on April 2nd, and  
20 the approval was before March 17th.

21 PERMITTING AND INSPECTION BRANCH MANAGER DE BIE:  
22 Ms. Peace, you're asking where the pile was located. The  
23 pile that caught fire, was it within the lined cell?

24 MS. TUNG: Yes. The waste was stored in the  
25 Subtitle D lined cell. Yes. Sorry.

1           Next slide, please.

2                               --o0o--

3           MS. TUNG: A routine inspection was done on the  
4 day before the fire, and we did not notice any evidence of  
5 smoke or conditions leading up to the fire.

6                               --o0o--

7           MS. TUNG: This is what happens on April 2nd.  
8 The fire was discovered at 6:30 a.m. And the time the  
9 fire was extinguished was approximately 1:30 p.m. So it  
10 was about seven hours. The smoke was not visible after a  
11 few hours. So it was under control in several hours. It  
12 was a clear sky Monday morning. Very wind conditions. 40  
13 miles per hour wind recorded. Temperature range from 69  
14 degrees the day before to a low 55 degrees that morning.

15                               --o0o--

16           MS. TUNG: These are the agencies that responded  
17 to the fire: Alameda County Fire Department, Livermore  
18 Pleasanton Fire, Lawrence Livermore Fire, Bay Area Air  
19 Quality Management District, County Hazmat, and County LEA  
20 Regional Water Quality Control Board. And air samples  
21 were taken by the operator and the air district during the  
22 fire.

23                               --o0o--

24           MS. TUNG: Smothering the fire with soil was the  
25 appropriate method for putting out the fire. The Vasco



1 Road Landfill, they know what to do. So they used a heavy  
2 equipment. Put out the fire using the earth movers to  
3 cover the burning area of the soil. Some fire department  
4 equipment was utilized, but was found to be less effective  
5 than the Vasco Road Landfill equipment putting the soil  
6 over the area.

7 --o0o--

8 MS. TUNG: A shelter in place order was issued by  
9 responders at the scene. The Alameda County Health  
10 Officer, Dr. Iton, issued a statement regarding the  
11 potential risk of smoke inhalation. There was no reports  
12 of occupational or public injury received.

13 --o0o--

14 MS. TUNG: TASW has been approved for use at the  
15 site since 1994, however use of TASW did not occur until  
16 March 2001. Vasco Road Landfill stopped accepting the  
17 waste since December 2003 and is being used as ADC and the  
18 operation layer for the current cell, which was first used  
19 on March 17th, 2004.

20 --o0o--

21 MS. TUNG: Prior to use of TASW at Vasco Road  
22 Landfill, the LEA had prior experience with the use of  
23 this waste. Altamont Landfill has been using the waste as  
24 ADC since 1995. No fire has been reported associated with  
25 TASW. Current solid waste regulations do not prohibit

1 stockpiling of such material, but I have to agree that the  
2 pile was pretty big.

3 --o0o--

4 MS. TUNG: This is what we have done. TASW is  
5 stockpiled in the Subtitle D lined area. Location of the  
6 DU-7 is away from the main disposal area. The public does  
7 not have access to the stockpile. And based on staff  
8 experience, the Alameda County LEA staff experience, we do  
9 not see a need to take immediate corrective action  
10 regarding the stockpile, but we have been working with the  
11 operator as to how we could control this pile. And all  
12 landfills in Alameda County are, as I mentioned earlier,  
13 they're inspected weekly. So we have a very close watch  
14 as to what's going on at all these facilities.

15 --o0o--

16 MS. TUNG: The location where fire initially  
17 occurred was the upper right corner just below the below  
18 the ridge.

19 --o0o--

20 MS. TUNG: Evidence of drifting smoke towards the  
21 south and the city of Livermore. It was pretty strong  
22 wind that day. It was 40 miles per hour.

23 --o0o--

24 MS. TUNG: Earth movers were utilize today cover  
25 the fire with soil, which was very effective.

1                               --o0o--

2               MS. TUNG:   Fire department response vehicle  
3   backing up the efforts by the landfill staff to smother  
4   the fire.

5                               --o0o--

6               MS. TUNG:   This is what happened afterwards.   The  
7   landfill was ordered to completely cover all exposed TASW  
8   by the fire department.   Waste Board staff accompanied by  
9   the LEA staff acquired samples of the TASW for analysis on  
10   April 8th, 2004.   The Regional Water Quality Control Board  
11   acquired uncharred samples of TASW on April 12th and  
12   ordered Vasco Road Landfill to not excavate or use the  
13   TASW and not to accept the TASW until further notice.

14              The Bay Area Air Quality Management District  
15   reported on April 7th that the fire caused public health  
16   nuisance levels of hydrocarbons, including vinyl chloride  
17   and acetone benzene.

18                               --o0o--

19              MS. TUNG:   The LEA on April 5th checked the site,  
20   and no evidence of burning was observed.   And on April  
21   6th, LEA probed the TASW stockpile with compost  
22   thermometer and did not encounter any elevated  
23   temperatures.   The temperature was 100 degrees Fahrenheit.

24              Vasco Road Landfill has acquired compost  
25   thermometers and is periodically probing the stockpile for

1 possible elevated temperatures. Since the week after the  
2 fire, we've been going back weekly and have not shown any  
3 further burning or flare ups in the stockpile. The  
4 stockpile is completely covered with soil.

5 I just want to say that we will try -- you will  
6 have our commitment to work with the staff and to make  
7 sure that we are on the right track. And we are certified  
8 by the Board, and we would like to be in compliance by  
9 going through the steps, education, cooperation. And we  
10 want to be in compliance.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you very  
12 much.

13 Ms. Peace.

14 BOARD MEMBER PEACE: I want to thank you for  
15 being here. I know you take your job seriously. But our  
16 staff came out in January and noted an area of concern  
17 about the excessive stockpiling and discussed with the  
18 operators plans to manage the pile. Did you also discuss  
19 with the operator plans to manage the pile?

20 MS. TUNG: Yes. We had discussions with them,  
21 and they responded in a letter dated March 17th as to what  
22 they planned to do with the pile. But after the fire,  
23 this is not allowed to be excavated, so the pile was  
24 covered with soil.

25 BOARD MEMBER PEACE: So from the time we noted

1 the violation and the time of the fire, had the pile gone  
2 down at all? Had they tried to manage the pile?

3 MS. TUNG: Yes. They started to use the waste as  
4 ADC. And, yeah, they had been working on it. But,  
5 unfortunately, it was a pretty large pile.

6 BOARD MEMBER PEACE: Then when you about the ADC,  
7 staff also noted the violation on the report of disposal  
8 because they thought it was too much ADC they could  
9 possibly use. So I was wondering, was the report ever  
10 amended? Did they still get diversion credit for all that  
11 stuff that burned up?

12 MS. TUNG: I'm going to ask Roel to help me to  
13 answer that question.

14 MR. MERIANO: Good afternoon. My name is Roel  
15 Meriano with the LEA's staff. In terms of diversion, I  
16 don't have an answer for that question.

17 BOARD MEMBER PEACE: So they got diversion credit  
18 for all their tire shredder fluff they took on, even  
19 though it was really too much to use for ADC. And they  
20 didn't not pay the VOE fee and stuff on it, and now it's  
21 all burned up. At what point do we go back and amend the  
22 report of disposal, the other disposal report?

23 MS. TUNG: Currently, we are in the process of  
24 revising the solid waste facility permit. We are awaiting  
25 the decision by the Planning Department of Alameda County

1 to approve the conditional use permit. And upon that  
2 approval, the operator will be submitting a full revision  
3 for a solid waste facility permit.

4 BOARD MEMBER PEACE: I'm not talking about a  
5 revision for a solid waste facility permit.

6 Can anybody tell me how that works? Have they  
7 gotten diversion credit and not paid the VOE fee on this  
8 stuff, and now it's to be put into the landfill now?

9 CHAIRPERSON MOULTON-PATTERSON: Mr. Schiavo.

10 BOARD MEMBER PEACE: How do we deal with that?

11 DEPUTY DIRECTOR SCHIAVO: Technically speaking,  
12 if it was going to be disposed, then it would be  
13 considered disposal, and there should be the \$1.40 per ton  
14 of disposal. Then it would count as disposal in our  
15 reporting, I would think, technically. I don't know what  
16 happened in this specific circumstance at this point in  
17 time, because, you know, it probably what went through the  
18 gate, wasn't charged initially. It was burned. It didn't  
19 go anywhere else. So now if it goes in the landfill, I  
20 would think, technically, it could be considered disposal.

21 BOARD MEMBER PEACE: When do they make the  
22 changes to their disposal report that now that it's not  
23 ADC, that we pay the fee on it and now it's going against  
24 disposal?

25 DEPUTY DIRECTOR LEVENSON: That's a good

1 question. I think we can look at into that. But it  
2 hasn't been disposed of yet. Right now it's still in  
3 situ, if you will, covered with soil. And there has to be  
4 further determinations made about how to handle that  
5 material.

6 PERMITTING AND INSPECTION BRANCH MANAGER DE BIE:

7 If I may, too. In the recent past, we had a situation  
8 that has some similarities to this. And that one I'm  
9 recalling is there was a proposal to bring in material and  
10 store it for a very, very long time, actually bury it, and  
11 then dig it back out, and then use it as cover.

12 And one of the questions about that kind of  
13 scenario was, when do you get diversion? When do you pay  
14 the fee or not pay the fee in that kind of scenario where  
15 you're bringing the material in, storing for it for years,  
16 and then maybe eventually using it as cover or not? You  
17 know, there is a disconnect in terms of in that scenario  
18 relative to, you know, counting it and not counting it and  
19 that sort of thing. We never really did resolve that  
20 issue with that previous case. And so it's still  
21 something that needs to be looked at.

22 So in addition to large stockpiles and their  
23 potential for fire issues, I think we can also look at,  
24 you know, how should large stockpiles of material that  
25 maybe are intend to be used as ADC but have not yet been

1 used as ADC, are they in limbo? Are they in one column  
2 and moved to the other column, and one column is diversion  
3 then moves to the other column as disposed if they don't  
4 get used as diversion? I think that needs to be  
5 clarified.

6 CHAIRPERSON MOULTON-PATTERSON: So perhaps you  
7 can get back to us on that.

8 Mr. Paparian, you've been waiting.

9 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

10 I just wanted to understand the chronology a  
11 little bit more. In January it was noted as an area of  
12 concern. Was that by our staff or by the LEA?

13 MR. HOHLWEIN: It was by us. But that's because  
14 the regulatory language regarding stockpiling of these  
15 materials is not clear. It's not preventative. It  
16 doesn't say there's a limit. Clearly, there was far too  
17 much to be used. So we looked at the governing documents  
18 which describe, you know, all the various things that are  
19 supposed to happen, including the use of ADC, which has  
20 some predictive value about how much they're using. And  
21 that was not addressed.

22 BOARD MEMBER PAPARIAN: So we noted it in an  
23 inspection by the Waste Board staff in January.  
24 Presumably, that was one of our 18-month inspections.

25 MR. HOHLWEIN: Correct.



1 PERMITTING AND INSPECTION BRANCH MANAGER DE BIE:

2 Just to clarify, there was a violation noted relative to  
3 this situation. It was in the area of the permit -- the  
4 operating document, the RDSI, relative to the description  
5 of the ADC. So we did note it was a level of concern that  
6 it warranted a violation relative to what they were doing  
7 at the site and what they had described in their operating  
8 document.

9 BOARD MEMBER PAPARIAN: When was that noted?

10 PERMITTING AND INSPECTION BRANCH MANAGER DE BIE:

11 That was during that inspection.

12 BOARD MEMBER PAPARIAN: During our inspection.

13 PERMITTING AND INSPECTION BRANCH MANAGER DE BIE:

14 There were additional areas of concern relative to storage  
15 of the material and the use of the material and that sort  
16 of thing. But there was a violation noted relative to the  
17 RDSI being inconsistent with what was being observed at  
18 the site.

19 BOARD MEMBER PAPARIAN: So that was in our  
20 inspection in January. Did the LEA note this before  
21 January?

22 MR. HOHLWEIN: There was an area of concern  
23 somewhere in there. But to be honest, the pile had been  
24 building for a long time, a period of years.

25 BOARD MEMBER PAPARIAN: The pile had been

1 building for a period of years. And --

2 MR. HOHLWEIN: At least a couple years.

3 BOARD MEMBER PAPARIAN: At what time did the LEA  
4 note it as something that needed to be dealt with? Was it  
5 after our inspection?

6 MR. HOHLWEIN: Sometime last fall they noted it  
7 was a problem. But they have said to us there is a  
8 difficulty with the regulation as written. But that  
9 doesn't mean you don't try to do the best you can to try  
10 to prevent a situation from getting quite that large. No  
11 one knew it was going to catch on fire, of course. But it  
12 still was something that needed to be minimized.

13 BOARD MEMBER PAPARIAN: When we inspected it, the  
14 Waste Board staff inspected it, did we suggest that the  
15 fire should be drawn down in some time period?

16 MR. HOHLWEIN: To be honest, they did have a plan  
17 that sounded pretty reasonable, which was that they were  
18 opening this new cell and that at the base of that new  
19 cell was the liner. And there is a large open space they  
20 were going to be able to use. It was their hope to use a  
21 lot of this material to line this cell. So that was the  
22 plan. That wasn't something we introduced. That was  
23 something the operator, who was relatively Desperate to  
24 get rid of this material, decided to use. We found that  
25 to be a good idea. Didn't think it was going to use all

1 of the material, but that was a good start.

2           So what had happened is they had begun that  
3 process of putting that material out when the pile cut on  
4 fire, of which I don't think very much of it has burned  
5 and most of it is now buried in place, temporarily.  
6 Because that's going to cost the landfill a whole lot of  
7 air space, and that's not where they wanted it to be. So  
8 one way or another, something is going to have to be done  
9 with it.

10           BOARD MEMBER PAPARIAN: Okay. Thanks.

11           CHAIRPERSON MOULTON-PATTERSON: Any other  
12 discussion?

13           Thank you very much. Thank you for being here.

14           We should take up Number 2.

15           DEPUTY DIRECTOR SCHIAVO: In Item 2 we made two  
16 changes. One is on page 2-5 under the Section Agenda Item  
17 Format, we changed Agenda Item 2. And it now states that  
18 in the 1999-2000 biennial review, jurisdictions that did  
19 not achieve the diversion rate requirements but  
20 demonstrated a good faith effort and in 2001-2002 have, at  
21 a minimum, continued to implement programs at a level  
22 consistent with the Board-approved program levels in 1999  
23 and 2000. And then what we also did is in the resolution,  
24 we incorporated that whole section, the agenda item  
25 format, into that section as it reads in the text of the

1 item.

2 CHAIRPERSON MOULTON-PATTERSON: Questions?

3 BOARD MEMBER PAPARIAN: Looks like third time is  
4 the charm on this.

5 CHAIRPERSON MOULTON-PATTERSON: Who would like to  
6 move it?

7 BOARD MEMBER PEACE: I'd like to move Resolution  
8 2004-92 revised 5-11-2004, Consideration of the Biennial  
9 Review and SB 1066 time extension process.

10 BOARD MEMBER PAPARIAN: Second.

11 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
12 motion by Ms. Peace, seconded by Mr. Paparian, to move the  
13 revised item.

14 Please substitute the previous roll call.

15 And that concludes today. We have a full day  
16 tomorrow. Starting at 8:30, we'll have closed section.  
17 And see you all tomorrow. Thank you.

18 (Thereupon the California Integrated Waste  
19 Management Board, Board of Administration  
20 adjourned at 5:31 p.m.)

21

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25